An exposition

of certaine difficult and obscure words, and termes of the lawes of this Realme, newly set forth and augmented, both in french and English, for the helpe of such younge students as are desirous to attaine the knowledge of ỹ same. Whereunto are also added the olde Tenures.

¶ In ædibus Richardi Tottelli.

1579.

¶ *Cum priuilegio.*

Le Table.

Abatement de brief ou plaint fol. 1
Abatemēt en terres 1
Abbe 2
Abbettours 2
Abeyance 2
Abilherling 4
Abiuration 4
Abridgement de plaint ou demaund 5
Acceptance 5
Accellories 6
Action Attempt 7
Actions personals 7
Actions populer 7
Actions reals 8
Accord 8
Acquital 8
Acquitance 9
Additions 10
Adiournement 11
Administratour 11
Actes 11
Admirall 12
Aduowson 12
Age prier 12
Agreement 13
Aide 16
Alien 17
Alienation 17
Ambiderter 17
Amendement 18
Amercement 18
Amersement royal 18
Anjour et wast 18
Annuitie 19
Appell 19
Appellant 20
Appellor 20
Appendant et appurte= nant 20
Appoytionment 20
Appropriations 22
Approuement 23
Arbitrement 23
Arrest 23
Arrerages 24
Assets 24
Assignee 25
Attainder 26
Auerment 26
Auerpenie 26
Auncien demesne 26
Auowry 27

B

Bayle 27
Baylement 28
Baylife 28
Bakberind theefe 28
Bargaine et sale 29
Barre 29
Bastarde 30
Battaile 31
Bigamy 31
Blodewit 32
Boote 32
Brodehalpeny 33
Brugbote 33
Burghbote 33
Burghbrech 33

12/8/47 - Quaritch
64913 2

Burgh English 33
Burglary 34

C

Carriage 34
Cession 34
Challenge 35
Champertours 36
Charge 36
Charters de terres 36
Chattels 37
Childwite 37
Chimin 37
Chose en action 37
Circuit de action 38
Claime 39
Clergie 39
Clerke attaynt, et Clerke conuict 41
Colour 41
Colour de office 43
Collusion 43
Common ley 43
Common presumption 45
Condition 46
Confiscate biens 48
Contract 48
Conusance 49
Corody 50
Coroner 51
Corporation 52
Corps politike 53
Corruption de sangue 53
Couenant 54
Couerture 54
Coum 54
Counterplea 54
Cinque ports 55

D

Damage feasants 60
Dangelde 61
Deane et chapter 61
Declaration 61
Defendaunt 62
Demaines 62
Demaundant 62
Demy sanke ou sangue 62
Demurrer 63
Denizen 63
Deodands 64
Departure de son plea ou matter 64
Departure in delspite del court 64
Deputie 64
Deuastauerunt bona testatoris 65
Deuise 66
Discent 70
Disclaimer 70
Dismes 70
Disperagement 71
Disseisin 72
Disseysin sur disseisin 72
Disseysour et disseisee 72
Distresse. 72

Le Table.

Divorce 75
Donour et danee 55
Double plee 75
Droit 76
Droit dentrie 76
Dures. 76

E.

Eire Justices 77
Embrasour, ou Embra-
ceour 77
Encrochment 77
Enheritance 78
Equitie 78
Escape 80
Espees 81
Essoine 81
Estoppel 82
Estraungers 84
Estraye 84
Excõmengement 84
Exchange 85
Execution 86
Executour 87
Extinguishment 87
Extortion 88

F.

Failer de recorde 89
Fait 89
Farme ou ferme 95
Fee farme 96
Feoffement 96
Fessour et fessee 96
Firebote 96
Fledwite. 97
Flemeswite 97
Fletwite 97
Foistal 97
Foistaller 97
Fraunches roial 98
Frankemariage 98
Franktenement 98
Freshsuit 99

G.

Gager de deliuerãce 100
Garde 101
Garden. 101
Garnishment. 102
Gauelate 103
Gauelkinde 104
Gelde 135
Grithbrech 135

H.

Hangwite 135
Hariot 136
Haybote ou hedgebote 136
Hidage 137
Hotchpot 137
Homesoken 138
Homicide ou manslaugh-
ter 138
Hornegeld 139.
Housebote 139
Hundred 139
Hundredum 140

I.

Ideot 140
Il Royal assembly 141
Imparlance 141
Imprisonment 142
Infangethefe 142

Infor-

Information 142
Jointure 142

L.
Larceny. 144
Lastage 144
Lesson et lesse 144
Leuant et couchant 145
Ley gager 145
Liuery de seisin 145
Lotherwit 148

M.
Mahim 148
Mainprise 149
Manour 149
Manumission 150
Marines 150
Maynour 151
Misprision 151
Monstrans de faits ou records 152
Mortgage ou morgage 153
Mortmaine 154
Mulier 154
Murder 155

N.
Negatiua preignans 155
Nieue 157
Nihil dicit 158
Nomination 158
Nonability. 158
Nude contract 158

O.
Oyelese 159
Outfangthiefe 159
Owelty 159
Oyer de records et faits 160

P.
Pape 160
Particion 161
Parties 163
Patron 163
Perquisities 163
Pleintife 164
Pledinge 164
Pound 164
Possession 165
Preamble 165
Prescription 166
Presentment 166
Pretensed dēt ou title 166
Priuie ou priuitie et priuies 167
Priuiledges 168
Prochein amy 169
Protestation 170
Purchase 170

Q.
Quarentine 170
Quanzim 171

R.
Regratour 171
Reioynder 172
Relefe 172
Remainder 174
Replication 175
Repties 175
Reseeit 175
Reseruation 175
Retrayt 176

Le Table.

Rente 176
Reuerſion 177
Riot 178
Robberie 178
Rout 178

S.

Sake 179
Scot 179
Shewinge 179
Socke 179
Sokemans 179
Spoliation 281
Stallage 183
Suit couenant 183
Suit cuſtome 183
Suit real 183
Suit ſeruice 184

T.

Taxe et Tallage 184
Tenure in capitie 184
Teſtament 185
Them 186
Theſebroote 186
Title 186
Title de entrie 187
Tolle ou toine 187
Tourne del viſcont 189
Treaſure troue 189

V.

Viewe. 190
Viſcount 190
Voucher 191
Vſes 192
Vſurie 193
Vtlagaries 194

W.

Waiſe 194
Waiue 196
Waiſwite. 196
Wreckе 197

FINIS.

La table del Tenures.

S Eruice de chiualer 198
2 Grand ſericanty 198
3 Petit ſericantie 198
4 Eſcuage 199
5 Homage auncestrel 199
6 Curteſy Dengleſ 200
7 Fee ſimple 200
8 Franke tenure 201
9 Dower 201
10 Terme dans 201
11 Wortgage 201
12 Burgage 203
13 Socage 203
14 Fee ferme 205
15 Franke fee 205
16 Bale fee 205
17 Villenage 205
18 Taple 208
19 Taile apres poſſibili-
ty diſſue extinct 208
20 Franke mariage 211
21 Franke almoigne 215
22 Elegit 215
23 Statut merchant 216
24 Rent ſeruice 218
25 Rent charge 219
26 Rent ſecke 221
27 Suit ſeruice 224

FINIS.

¶ *Abatement of a writte or plaint.*

ABatement of a writ or plaint, is when an action is brought by writte or plaint, wherein is lacke of sufficient & good matter, or els the matter alleaged, is not certeinely set downe, or if the plaintife, or defendant, or place, are misnamed, or if there appeare variance betweene the writ and the specialtie, or record, or that the writ or the declaration be uncerteine, or for death of the playntife or defendant, and for diuers other like causes which I omit of purpose, for thereof alone, a man might make a large discourse, & I deter mine to satisfy you, (good brother Nicholas,) as wel as I may, with as muche breuitie & as litle trouble

¶ *Abatement de brief ou plaint.*

ABatemẽt de br' ou plaint, est quãt vn accion est port per br' ou plaint, en que faut suffic' et bone matter, ou autermẽt le matt' all', nest certeinemẽt alledge, ou si le pl', ou defendant, ou lieu, sõt misnosme, ou sil appt variance penter le br' et le specialtie, ou record, ouq̃ le brief ou declaration soũt vncerteine, ou pur mort del pl' ou def. et pur diũs aut's sẽblable cau ses q̃ux ieo omise de purp̃, car de c̃ soleñt, vn poet faire vn grãd discourse, et ieo det'm de satisfier vous, (bõ frier Nich.) cibñ q'ieo poy, ouecy mouit bre uit', et cy petit troubl'

a moy meſme cõe ieo poy, dõques ſur ceux defautes, le def. poet prie, q̃ le br' ou plaint abatera, cẽ adire, que le ſuite del pl' enuers luy ceſſera pur ceſt temps, et que il cõmẽcer a auter temps ſon ſuit, et port' vn nouel brief ou plaint, ſil ſoit iſſint diſpoſe a faire.

to my ſelfe as I can, then vppon thoſe defaultes, the defendant may pray, that the writ or plaint may abate, that is to ſay, that ẏ plaintifes ſuit againſt him may ceaſe for that tyme, and that he ſhall beginne agayne his ſuite, and bring a newe writte or plaint if he be ſo diſpoſed to doe.

Abatement en terres.

ABatement en terres ou teñtes, eſt quant vn hõe moruſt ſeiſie de terres ou teneméts, & vn eſtranger, ceſt adire, vn que nad droit, entra en m̃s les terres ou teñts, deuant que le heire fayt ſon entrie, ceſt entrie de le eſtraũger, eſt appel vn abatemẽt, et il vn abator: Mes ſi le heire enter primes a-

Abatement in Lands.

ABatement in landes or tenementes, is whẽ a man dieth ſeiſed of landes or tenementes, & a ſtranger, that is to ſaye, one that hath no right, entreth into the ſame landes or tenementes, before the heire maketh his entrie: this entrie of the ſtraunger, is called an abatement, and he, an abator: But if ẏ heire ẽter firſt after

ter the death of his aun-
ceſtour, and the ſtraunger
enter vppon the poſſeſſion
of the heire, this Entry of
the ſtraunger, is a diſſeiſ-
ſin to the heire.

pres le mort de ſõ aũ-
ceſtour, et le eſtrãger
enter ſur le poſſeſſion
del heire, ceſt entrie
de le eſtranger, eſt vn
diſſeiſin al heire.

Abbot.

ABbot, was the ſoue-
raigne head, or chiefe
of thoſe houſes of popiſh
religion, which when they
ſtood, were called abbeies,
and this abbot together wᵗʰ
ẏ monkes of ẏ ſame houſe,
whoe were called the co-
uent, made a corporation.

Abbe.

ABbe fuit le ſoue-
raignñ, hed, ou prin
cipal de ceux meaſons
de papish religiõ, q̃ux
quant ils fuerent, fu-
erent appel abbeis, et
ceſt abbe enſẽble oue
les moignes d' meſme
le meaſon, queux fue-
ront appel le coũent,
foũt vn corporation.

Abbettours.

ABbettors are in diuers
caſes diuerſely taken,
one kinde of Abbettours
are they that malicioully
without iuſt cauſe or de-
ſert do procure other to ſue
falſe appeales of murder,

Abbettours.

ABbettors ſoũt en
diuers caſes diũſe-
mẽt priſe, vn kynd de
Abbettours ſõt ceux,
q̃ maliciouſmẽt ſauns
dr' turel cãe ou deſert
procur' aũt's de ſuer
faux appeals d' murd'

ou felony, enús hões, al entent de troubler, & greeuer eux, & pur faire eux en infamy & ſlaũder. Abbettors en murder, ſont ceux q̃ cõmaund, procure, councel, ou comfort auters de murder. Et en aſcũ caſe tiels Abbett' ſerrõt priſes cõe principals, et en aſcun caſe forſq̃ cõe acceſſories. Iſſint en auter felonies, et lour p̃ſẽce a le choſe fait, ou lour abſence de la, fayt vn difference en le caſe. Il y ad Abbettoures auxi en treaſon, mes ils ſoũt en caſe come principals, car ẽ treſ. il ny ad aſc̃ acceſſories.

Abeyance.

Abeyance eſt quãt vn leas eſt fait pur terme de vie, le remaind' al

oz felonie, againſt menne, to the entent to trouble, and greeue them, and to bringe them into infampe and ſclaunder. Abbettours in murder, are thoſe that commaunde, procure, coũſel, oz comfort others to murder. And in ſome caſe, ſuch Abbettors ſhalbe taken as principals, and in ſome caſe but as Acceſſories. Soe in other felonies, And their preſẽce at the deede doinge, and their abſẽce, maketh a differẽce in the caſe. There are abbettors alſo in Treaſon, but they are in caſe as principalles, for in Treaſon there are noe acceſſories.

Abeyance.

ABeyaunce is when a leas is made for terme of lyfe, the remainder to

the

the right heires of I. S. droit hr's de I. S. le q̄l
which. I. S. is liuing at ẏ I. S. est en vie al temps
time of the graūt: Nowe del grant: Ore cē grāt
this graunt of rem. passeth de rem' passa hors del
from the graūtour pre- graūt' maintenāt, vne'
sentlye, yet it vesteth not il ne vesta maintenāt,
presently, nor taketh holde ne prist effect en le
in the grauntee, that is to graūtee, cē a dire le dr'
say, the right heire of I. S. heire de I. S. mes est
but is sayde to be in abey- dit deste en abeiance,
ance, or as the Logicians ou cōe les Logitiens
terme it in power, or in appel ceo, in poten-
vnderstanding, and as we cia, ou in Intellectu, et
say in the cloudes: That is come nous diom⁹ in
to wit in the consideratī- nubib⁹, cē a scauoier
on of the lawe. That if I. en le consideration d'
S. die leauing a right heire le ley: Que si I. S. mo-
lyuinge, and lyuynge ruist relinquens vn dr'
the Lessee for lyfe, then heire en vie, et viuans
this is a good rem', and le lessee pur vie, donq̄
nowe vesteth and com- ceo est vn bon rem', et
meth into that right heire, a ore vest, et vient en
in such sort as that hee le dit droit heire, ē tiel
may graunte, forfayte, sort, que il poit graūt,
or otherwyse dyspose the forfait, ou autrement
same, and cesseth to bee a- dyspose ceo, et cessa
nye more in abeyaunce, deste ore en abeiance,

pur ceo que il est vn a ore d' Abilit pur prēd' ceo, pur ceo q' I. S. est mort, et ad relinq' vn droit heir ē vie le quel ne puit estre viuant I. S. car durant son vye, nul poit proprment eē dit son heire. Itē si vn hōe soit patron dū es-glise, et p̄sent aut' a c': Ore est le fee in le p̄sō, mes si l' p̄sō morust, et le eglise ē deuenus void, dōcq; est le fee en abeyāce, tāq; il soit vn nouel p̄son p̄sent. Car le patron nad le fee, mes tāt' le dr' de p̄sēt, et le fee ē en lencūbēt que est p̄sent, et puis son mort, il nē en asc', mes en abeiance tanq; il soit vn nouel incū-bent come est auādit.

¶ *Abisherſinge.*

for that there is one nowe of Abilitye to take it, be-cause that I. S. is deade & hath left a right heire in life, which coulde not bee liuinge I. S. for that di-uinge his life, none coulde properlye bee sayed hys heire. Also if a manne be patron of a church, & pre-sentethe one to the same. Nowe is the fee in the person, but if the person die, and the church is be-come voyde, then is the fee in abeyaunce, vntyll there bee a newe personne presēted, for ỳ patron hath not the fee, but onely the right to present, & ỳ fee is in ỳ incūbent ỳ is presen-ted, & after his death, it is in noe body, but in abeiāce til there be a new incūbent as afore-said.

¶ *Abisherſing.*

Abither.

A Bisherſinge (and in ſome coppes misher-ſinge) that is to be quite of amercements before whō ſoeuer of tranſumptyon proued.

A Bisherſinge (et en aſc̄ copies miſsher ſing) hoc eſt quietum eſſe de amerciamentis corā quibuſcūq; de in-tranſūptione ꝓbata.

Abiuration.

A Biuration is an othe that a manne or woo-manne ſhall take, when they haue committed fe-lonye, and flye to that church or church yarde, for ſafegarde of their liues, chooſinge rather per-petual baniſhement out of the Realme, then to ſtand to the lawe, and to be tryed of the felonye. And this lawe was inſtituted by Saynt Edwarde the confeſſour a kinge of this Realme before the con-queſte, and was grounded vppon the lawe of mer-cye, and for the loue and

Abiuration.

A Biuration eſt vn ſerement que hõe ou femme preignont quaunt ils ont com-miſe felonye, et fue al eſgliſe ou Cemito-rie pur tuitiõ de lour vies eſliſãt pluſtoſt p̄ petual baniſhm̄t hors del Realme, que a eſ-toier a le ley, et deſtre trie del felony. Et ceſt ley fuyt inſtitute per Saynt Edvvarde le confeſſour vn Roy de ceſt Realme deuaunt le conqueſt, et fuit groũd ſur le ley d'm̃-cy, et pur le amour &

reũence, ſauns doubt, q' il et aut's ſes ſucceſ. porteront al meaſon ddieu, ou lieu de prai-ers, et adminiſtrac' de ſon parol et ſacramts, le quel nous appello-m⁹ le eſgliſe. Mes cõe vnſemely choſe il fuit ou eſt, et cõe diſtant de le nature de le mea ſon de dieu, de faire el vn ſuccouror et defẽ-dour d'horrible mur-derers et larons, vo⁹ poies cõſiderer (frere Nicholas) et l'meliour q̃t vous penſiſt quid noſtre ſauiour Chriſt diſt reprehendans les Iewes, et perauenture auxi, pphecẽát de ceſt: Domus mea dom⁹ o-rationis vocabitur, at vos feciſtis eam ſpe-luncã latronum.

reuerence, nor doubt, that hee and other hys ſucceſ-ſours, dyd beare vnto the houſe of God, or place of prayer and adminiſtrati-on of his worde and ſa-craments, which wee call the church. But howe vn-comely a thinge it was or is, and howe farre from the nature of the houſe of god, to make her a ſuccu-rour and defender of hor-rible murderers & theues, you may conſider (brother Nicholas) and the rather when you remẽber what our ſauiour Chriſte ſayed, reprehending the Iewes, and parauenture alſo pro-phecieinge of thys: My houſe ſhalbee called the houſe of prayer, but you haue made it a denne of theeues.

Abridge-

Abridgement of a plaint or demaund.

ABridgemēt of a plaint or demaunde, is where one bryngeth an assyse, writ of dower, writte of ward, or such like, where the writ is, de libero tenemento, as in a writ of dower the writ is, rationabilem dotem quē eam contingit de libero tenemento. W. her husband. And in a writ of ward the writ is, custod' terr' et hered' &c. and the plaintife or demaundant demaundeth diuers acres or parcels of land, and the tenant pleadeth non tenure, or iointenancy, or some other such like plea to parcell of the land demaūded, in abatement of the writte then the plaintife or demaundant, may abridge his plaint or demaunde to that parcell

Abridgement de plaint ou demaund.

ABridgemēt d' plaint ou dd', est lou vn port vn assise, briefde dower, br' de gard, ou tiels semblables, ou le br' est, de libero tenemento, cōe en br' de dovver, le br' est, rationabilem dot' q' eam cōtingit de libero tenemento W. sō bar'. Et en vn br' de gard, le br' est, custod' terr' & her' &c. et le pl' ou dd'ant, dd' diuers acres ou pcels de terre, et le t' pleade non tenure, ou iointenancy, ou ascū aut' tiel semblable plea al pcel del terre dd', en abatement del br', donques le pl' ou demaūd't pomay et abridger sō playnt ou dd' al cest parcell,

cest

ceſt adire, il poet omit hors ceſt part, et prie q' le t' rñdera al reſt a que il nad vnc' plede aſcun choſe. Le cauſe eſt pur ceo q̃ en tiels br'es le certeintie neſt miſe, le dd' eſt generalment, de libero tento, et nient obſtãt le dd' dant ad abridge ſon plaint ou dd' en part, vnc' le briefe demurt bone, de libero tenemento pur le reſidue.

that is to ſay, he may leaue that part out and pray that the tenaunt ſhall anſwere to the reſt to which hee hath not yet pleaded any thinge: The cauſe is, for that in ſuch writs the certeintie is not ſet downe, but the demaunde runneth generally, de libero tenemento, and notwithſtandinge the demaundaunt hath abridged his playnt or demaunde in part, yet the writ remayneth good ſtil, de libero tenemento for the reſt.

Acceptance.

ACceptance eſt vn prendraus en bon gree, et cõe vn agreement al aſc' choſe fait deuant, le quel puet eſtre auoide et vnfayt (ſi tiel acceptãce nad eſtre) per luy ou ceux que iſſynt accepta.

Acceptance.

ACceptance is a taking in good part and as it were an agreeinge vnto ſome act don before, which might haue byne vndon and auoyded (if ſuch acceptance had not bin) by him or them that ſo accepted.

As.

As for example if an Abbot leaſe land of his houſe for terme of yeares reſeruing rent and dieth, and after an other is made abbot, who accepteth, that is to ſay, taketh or receyueth the rent when it is due, and ought to bee paied: Nowe by this acceptance the leaſe is made perfect and good, which els the Abbot might very well haue auoyded and made fruſtrate. The like law is, if a man & his wife ſeyſed of land in ỹ right of ỹ wife ioine and make a leaſe, or feoffemẽt reſeruing rent, and the husband dieth, shee accepteth or receiueth the rent by which the feoffement or leaſe is made perfect and good, and ſhall barre her to bring her writ called Cui in vita.

Sicome pur exãple vn Abbot leſſe t're de ſõ meaſon pur ans reſeruant rent et moruſt, et puis vn aut' é fait abbot, le q̃l accepta, ceſt adire, priſt ou receyue le rent qñt il eſt due, et doet eſte pay, ore p ceſt acceptance le leas eſt fait pfect & bone, le quel autemẽt l' Abbot puet aſſets bien, auoid et fair' fruſtrate. Semblable ley eſt, ſi vn hõe et ſa femẽ ſeiſie de terre en droit del ſoine, ioiſi, et foũt leaſe, ou feoffemẽt reſeruant rent, et barõ moruſt, el accept ou receyua le rent, per q̃l le feoffement ou leas eſt fait perfect et bõ, et ſerra barre a luy de porter ſõ brief appel vn Cui in vita.

Acceſſo-

Accessories.

ACcessories sont en deux sorts, lũ ante factũ, ¦laut' post factum.

Accessory ante factum, est celuy que cõmaunda ou procura auter de faire vn felonie, et nest la present quant lauter le fayt, mes sil soit p̃sent, dõques il est auxi principall.

Accessory post factum, est celuy que receiua, fauora, ou ayda vn felon conusant del fait que il ad fait.

Auxi vn puet estre accessorie del accessorie, sicõe vn felonisement receiua auter q̃ est accessorie del felonie, la le receyuer est vn accessorie.

Accessories.

ACcessories are in ii. sortes, the one before the offence, the other after the offence is done.

Accessorie before the fact, or offence is hee that commaundeth or procureth an other to doe felony and is not there present him selfe when the other doth it, but if hee bee present, then hee is also principall.

Accessorie after the offence or fact, is he that receyueth, fauoureth, or aydeth a felon, knowing wel of the deede that hee hath done.

Also one may be accessorie to an accessorie, as if one feloniously receiue another that is accessorie of a felonie, there the receyuer is an accessorie.

Accion

Accion.

ACcion is a suit geuen by the lawe to recouer a thing, as an accion of debt and such like.

Accion.

ACcion est vn suite done per le ley de recoũ choſe, cõe acẽ de dette, et tiels ſemblables.

Accions personals.

ACcions personals bee such accions whereby a man claymeth debt, or other goods or cattel, or damage for them, or damages for wrong done to his person.

Accions personals.

ACcions personals ſont tiels acciõs per q̃ux hõe claim̃ det ou auter bñs & chateux, ou dam̃ pur eux, ou dam̃ pur tort fayt a ſõ perſon.

Accion populer.

ACcion populer is an accion which is geuen vpon the breach of some penal statute, which accion euery man that will, may sue, for him selfe and the Queene, by information, or other wise as the statute alloweth and the case requireth, And of these acci-

Accion populer.

ACcion populer eſt vn acciõ q̃ eſt doñ ſur le breach daſc' penal ſtatute, le q̃l acciõ cheſc' hõe q̃ voet poet ſuer, pur lui m̃ et le royne, p Informac', ou aut'm̃t, cõe le ſtat' allowe, et le caſe requir'. Et de ceux actions

ons il y ad vn infinit number, mes vn pur example eſt quãt aſcũ del iury que ſont impanel et iure, de paſſer enter party, et party indifferentmẽt, priſt aſcũ choſe de lũ part, ou auter, ou de ambid' pties pur lour verdict dire al c' part, donques aſc' hõe que voet deins le an prochein enſuãt le offẽce fait, puit ſuervn brief, appel Decies tantum, enuers luy, ou ceux q̃ iſſint p̃ſt pur lour verdict dire. Et pur ceo q̃ ceſt action neſt done al vn home ſpecialmẽt, mes geñalmẽt al aſcun les people del Royne qui voet ſuer il eſt appel vn action populer.

ons there bee an infinite number, but one for example is when ante of the Jurye that are impanelled and ſworne to paſſe betwæne party and partye indifferentlye, do take any thing of the one ſide, or other, or of both parties, to ſay their verdicts at that ſide: Then any man that will within the yeare nexte followynge the offence made, maye ſue a writte called Decies tantum agaynſt hym or them that ſo did take to geeue their verdicte, and becauſe that this accyon is not gæuen one man ſpecially but generally to the Queenes people that wyll ſue, it is called an accyon popu-

lcr.

Actions

Actions Reals.

ACtions Reals, bée ſuch actyons whereby the demaundaunt claymethe tytle to any landes or tenementes, rentes or cõmon in fée ſimple, fée taile or for terme of life.

Accorde.

ACcorde is an agréement betweene ij. at the leaſt, eyther to ſatyſfie an offence, that the one hath made to the other: Or elſe, it is a contracte, wyth dyuers articles, to bée done, ſome on the one part, and ſome on the other, where there ſhalbée one thinge for an other &c. The firſt is when a man hath done a treſpas, or ſuch like vnto an other for which hée hath agréed with him, ſatyſfyed and contented him, with ſome recompence alredie executed and

Accions reals.

ACcions reals, ſõt tiels actions per q̃x le dem't clayme tytle a aſcũ terres ou tenemẽts, rẽts ou comõ, en fee ſimple, fee tail, ou pur terme de vie.

Accorde.

ACcorde eſt vn agreement perent' deux al meins, ou pur ſatiſfie vn offẽce, que le vn ad fait al auter: Ou il eſt vn contract, oue diũs articles, deẽ fait aſc' ſur le vn part, et aſcũs ſur le aut', lou il ſerr' Quid pro quo, &c. Le primer eſt, q̃nt vn hõe ad fait vn trẽs ou tiel ſemblable al auter pur le quel il ad agree oue luy, ſatiſfie et cõtent luy, oue aſc' recõpẽc' a or' exec', et fait

fait en fait. Et pur ceo q̄ ceſt recõpence ẽ vn plein ſatiſfaction pur le offẽce, il ſerr' vn bõ barre en le ley ſi laut' voit ſuer arrer' vn acc̃ pur m̃ le trñs. Le aut'ẽ quod I.S. leſſa vn chá-ber pur ans al H.G. et il eſt ouſt'agre perent' eux, q̄ le dit H.G. ſerr' al boorde oue le dit I.S. et pur le dit chá-ber et boorde il paie-ra al dit I.S. vn certein ſome &c. ceſt vn con-tract et accorde oue articles en ambideux partes.

done in déede. And bée-cauſe that this recõpence, is a full ſatiſfactyon for the offence, it ſhalbée a good barre in ỹ lawe, if the other ſhoulde ſue agayne any actyon for the ſame treſpas. The other is, when as I. S. letteth a chamber for yeares to H. G. and it is farder agréed bætwæne them, that the ſayde H. G. ſhalbée at Boorde with the ſayde I. S. and ſhal for the ſame chamber and Boorde, paie to the ſayde I. S. a certen ſome &c. this is a contract and accorde with articles on both ſides.

¶ *Acquital.*

A Cquital ẽ, quát il y ad ſſir, meſne, et t', et le t' tiét de le meſne certẽ terres ou teñts en frankalmoygne,

¶ *Acquital.*

A Cquital, is where there is lord, meſne, & tenant, & the tenant holdeth of the meſne certein lands or te-nemẽts, in frãkalmoigne,

franke-

frankemariage or such lyke, and the mesne holdeth ouer also of the Lord paramount, (or abour him.) Nowe ought the mesne to acquite or discharge ỹ tenant of al and euery maner of seruice, ỹ any other would haue or demaund of hym concerninge the same lands or tenementes, for that the tenant must doe his seruice to the mesne onely, & not to ouers lords for ẽe tenement, or parcell of lande. The ſãe lawe is, wher there is lord, mesne, & e tenant, as aforesayd, and the mesne graunted to the tenãt (vpon the tenure made betwene thẽ) to acquite, and dyscharge him of al rentes seruyces, and such like. This dyscharge is called acquitall.

frankmariage, ou tiels ſẽblables. Et mesne tident ouſter auxi de le ſñr paramount (ou de haut luy.) Ore doit le mesne acquit' ou discharge le t' de tout et chesc' mañ de seruice, que aſcun auter voet aũ ou dde de luy connsernãt ñs les terres ou teñts, pur ceo que le t' doit faire seruice a le mesne tantſolemẽt, et nemy al diũs ſñrs pur vn teñt, ou parcel de terre. Mesne le ley ẽ, ou il eſt ſñr, mesne, et t', come auantdit, et le mesne graunta al tenaunt (ſur le tenure fait perenter eux) pur acquit', et diſcharger luy de touts rents ſercuie' et tiels ſẽblables: Ceſt diſcharge eſt appell acquital.

¶ *Acquitance.*

ACquitance ẽ vn dis-
charge en escript,
dũ sõme d' mony, ou
aut' duity, quel doit
eẽ paie ou fait, Sicõe
vn soit oblige de pai-
er mony sur vn obli-
gac', ou rent reserue
sur vn leas, ou tiel sẽ-
blable, et le party a q'
le money, ou duety
doit eẽ pay, ou fait, sur
le resceit de c', ou sur
aut' agrẽmẽt perenter
eux ewe, fait escript,
ou bill de son maine
en discharge de c', tes-
semoynant q̃ il ẽ pay,
ou auterment contẽt,
et pur ceo acquite, et
discharge luy de c', le
quel acquitance ẽ tiel
discharge et barre ẽ le
ley, q̃ il ne poit dde et
recouer m̃ le some ou
duity auterfoits, con-

Acquitance.

A Cquitaunce is a dis-
charge in writinge, of
a summe of money, or o-
ther duetie which ought
to be payde, or don. As if
one be bound to pay mo-
ney vpon an obligation,
or rent reserued vppon a
lease, or such like, and the
party to whom the mo-
ney, or duety should bee
payed, or don, vppon the
rescett thereof, or vpon o-
ther agreement betwene
them had, maketh a writ-
ting, or bill of his hand, in
discharge thereof, witnes-
sing, that he is payed, or
otherwise contẽted, and
therefore doth acquite, &
discharge him of ỹ same,
which acquitance is such
a discharge and barre in
the lawe, that he cannot
demaũd, & recouer that
sũme or duety againe, cõ-

trary

trary thereunto if he can shewe the acquitance.

Additions.

ADdition is that, that is geuen vnto a man, but chiefely to the defendant, in actions where proces of outlawrie doe lie, as in det, and such like, ouer and besides his proper name and surname, that is to say to shewe of what estate or degree, or misterye hee is, and of what Towne or Hamlet or Countie.

Additions of Estate are these, yeoman, Gentleman, Esquire, & such like

Additions of degree are those that wee call names of dignitie, as Knight, Earle, Marques, and Duke.

Additions of misterye

tra a c', si l'poet mõstre lacquitance.

Additions.

ADdition est ceo, q̃ est done al home, mes principalment al def.eu actions, ou p- ces d' outlary gist, coe en det, et tiels semblables, ouster son ꝑper nosme et sirnosme, cest adire pur monstrer de quel estate, ou degree, ou mistery il est, et de que ville, ou hamlet, ou countie.

Additions de estate sount ceux, yeoman, Gentlehome, Esquier, et tiels semblables.

Additions de degree sount ceux que no⁹ appellomus nosmes de dignitie, come Chiualer, Counte, Marques, et Dux.

Addic'de misterye,

soût ceux, Scriuener, Printer, Maſon, Carpenter, Tayler, Smith et iſſint touts aut's de ſemblable nature, car miſtery eſt le craft ou occupatiõ, p que hõe gaine ſon liuing.

Addic' de villes, cõe Sale, Dale, et tiels aut's et iſſint de les auters.

Et lou vn home ad houſhold en deux lieux, il ſerr' dit demr' en ambid', iſſint q̃ ſon addiciõ en vn de eux ſuffiſt.

Et cẽ fuit ordeine p vn eſtat' fait en le primer an' de H. 5. ca. 5. al entent, que vn hõe ne ſerroit greeue ne trouble p l' vtlary dũ aut', mes q̃ p reaſõ de le cert' addic', cheſcũ hõe puit eẽ certeinm̃t conus, et portera ſa burden demeſne.

are ſuch, Scriuener, Printer, Maſon, Carpenter, Tayler, Smith, & ſo al other of like nature, for miſtery is the craft or occupatiõ, wherby a man getteth hys liuinge.

Addicions of townes

as Sale Dale and ſuch, and ſo of the reſt.

And where a mã hath houſhold in ti. places, hee ſhalbe ſaid dwellig ĩ both of them, ſo ẏ his addition in one of thẽ doth ſuffiſe.

And this was ordayned by a ſtatute made in the firſt yeare of H. 5. cap. 5. to the intent that ons man ſhould not bee greeued nor troubled by the vtlary of an other, but that by reaſon of the certein addicion, euery man might bee certeinly knowne, and beare his owne burden.

Adiour-

Adiournement.

ADiournement is whē any court is dissolued, and determined, and assigned to be kept againe at an other place, or time.

Adiournement.

ADiournement est quāt ascū court est dissolue, et determine et assigne destre gard arrere al aut' lieu, ou temps.

Administratour.

ADministratour is he to whō the ordinary cōmitteth thadministration of ỹ goods of a dead man, for defaut of an executour, & an accīō shal lie against him and for him as for an executour, & he shalbe charged to the value of the goods of ỹ dead man & no further, if it bee not by his own false plée, or for that that hee hath wasted the goodes of the dead, but if thadministratour die his executours be not Administratours: but it behoueth the Ordinary

Administratour.

ADministrator est celuy a que lordinary cōmit ladministrac' des bīs la mort pur defaut de executors, & acciō gist vers luy et pur luy cōe pur execut', et serr' charge iesques al value des biens le mort et nient ouster sil ne soit p̄ son faux plee, ou pur ceo que il ad vvaste les bīs le mort. Mes si le administrat' deuie, ses executours ne sount Administrators, mes couient al Ordinarie

de commit nouel administration, mes ſi vn eſtráge q' neſt administratour ne executour priſt les biens le mort, & miniſtr' de ſõ tort demeſn̄,il ſerra charge et ſue come executour et nemye cõe adminiſt' in aſcun acciõ q' eſt port vers lui p aſcũ creditours. Mes ſi lordinarie fayt vn briefe ad colligendum bona defuncti, ceſtuy q' ad tiel letter neſt adminiſtratour, mes laction giſt vers lordinary auxi bñ cõe ſil priſt les bñs a ſon maine demeſn̄ ou p le maine daſcũ ſon ſeruant per aſcun auter commaundement.

to commit a newe adminiſtration, but if a ſtrãger that is not adminiſtratour nor executour take the goodes of the dead and miniſter of his owne wrong, hée ſhalbe charged & ſued as an executour & not as adminiſtratour in any acciõ that is brought againſt hym by any creditour. But if ỹ ordinary make a letter ad colligẽdũ bona defũc. ti, he that hath ſuch a letter is not Adminiſtratour, but the accion lieth againſt the Ordinary, as wel as if he toke ỹ goods to his owne hande, or by the hande of any of hys ſeruauntes by any other commaundement.

¶ *Actes.*

ACtes de parliament ſont leies poſitiue, que conſiſt de deux

Actes.

ACtes of parliament are poſitiue lawes which conſyſt of two partes,

partes, that is to say, of ỹ wordes of ỹ act, and of the sense thereof, & they both ioined together make the lawe.

Admirall.

Admirall is an officer vnder the Quéne that hath auctho*r*itie, vpon the sea onely to sée the nauie repaired, & mainteined, to suppresse, and chase away robbers, and rouers and to deale in matters betweene party, and party, concerninge thinges done there, and for that purpose hath hys court called the Admiralty: yet he may cause his Citation to be serued vpon the land, and take the parties body, or goodes, in execution vpon the land. Also he hath cognisãce of the death or mayhem of a mã cõmitted i any great

partes s. de les parols del act, et del sense de ceo, et ils ambideux ioint ẽsẽble fõt le ley.

Admirall.

Admiral ẽ vn offic' south l'Roigne, q' ad auctho*r*itie sur le meere tãtũ, pur voier le nauie repaire, et maint' pur suppresse et chase dehors estumeurs de meere, et de fair' en choses penter party et party, cõcernaunt choses fayt la, et pur cest purpose il ad son court appel le Admiraltie, vncore il poet causer son Citation deste serue sur le terre, et prender le corps del party, ou biens en execuc' sur le terre. Itẽ il ad cognis. del mort ou mayhem dũ hõe fait ẽ asc' grád

niefe fleetant en grād riūs en l't're debaſe les ponts de eux ꝑchein al meere. Auxi pur arreſt' niefs en les grād ſtreames pur les viages del Roigne et realme, et ad iuriſdicc' en l's diſts ſtreams durāt mꝫ les viages.

ſhip fleætinge in great riuers in the land benethe the bꝛidges of the ſame nert the ſea, alſo to arreſt ſhips in ỹ great ſtreames foꝛ ỹ viages of ỹ Quēene & Realme, & hath iuriſdiccīō in ỹ ſaid ſtreames during the ſame viages.

Aduowſon.

AVouſon eſt lou vn hóe et ſes hr's, ont droit de preſent' lourclerkal ordinary, al vn ꝓſonage, ou auter eſpiritual benefice qñt il deuient voide. Et celuy q' ad tiel dr't de preſent, eſt appell Patron.

Aduowſon.

A Duowſon is where a man, and his heires haue right to pꝛeſēt their Clerke to the oꝛdinarie, to a perſonage, oꝛ other ſpiritual benefice when it becōmeth voide. And hee that hath ſuch right to pꝛeſent, is called patron.

Age prier.

AGe prier eſt quant action eſt port vers lē ſant de terre, q̄ il ad ꝑ diſcent, la il mr'a la matt'al court, et prier'

Age prier.

A Ge pꝛier is whē an action is bꝛought againſt an infant of lands that hee hath by diſcent, there he ſhal ſhewe the matter to the court, & ſhall pꝛay that

that the action shal abide til his ful age of one and twenty yeres, and so by awarde of the court, the suit shal surcesse: But in a writte of Dower & in Assise, & also in such actions where the infãt cõmeth in of his own wrõg he shal not haue his age.

q̃ lacc' demurra tanq̃ a son plein age de xxi. ans, et issint p agarde d'court le suit surcessera: mes en briefe de dower et en assise, & auxy en tiels actions ou lenfaunt vyent eyns de son tort demesne ilnaũa sa age.

Also note well, ỹ there be many diuersities of ages, for ỹ Lord shal haue ayde of his tenant in socage for to marye hys doughter when ỹ doughter of the lord is of thage of vij. yeres, and also aide for to make his sonne & heire knight, when hée is of the age of seuen yeres.

Auxi nota que sont pluſoures diuersityes de ages. Car le sñr aũa aide de sõ t' in socage pur sa fyle maryer quãt le file le seignior est del age de vij. ans. Et auxi ayde pur faire son fites et heire chiualer quaunt il est dage de septe ans.

Also a womã which is maryed at the age of ix. yeres, yf her husband die seysed, shal haue dower & not before nine yeres,

Auxy feme que est espouse al age de ix. ans, si son bàron murust seisi aũa dower et nemy deuant ix. ans.

Also xiiij. yeres is ỹ age

Auxi xiiij. ans ẽ lage

de

de feme quel ne ſerra en garde ſi el fuyt de tyel age al temps de mort ſon auncеſtour, mes ſi el fuyt deins age de xiiij. ans & en garde ſõ ſeigniour, donques el ſerra en gard tãꝯ al age de xvj. ans, et auxi xxj. ás eſt lage de heire male deſtre en garde et aps hors de garde, et auxi il é lage de male et female de ſuer ou deſte ſue des t're q̃ ils õt ou claime p diſcent, et de faire touts mãs contracts bargaines, et niẽt deuãt: mes ſi tiel en fãt deins age de 21. ás dõ ſes bns, et le donee eux priſt, il poit aũ vn accõ de tns, mes autermẽt il eſt ſil deliũ eux.

of a womã ẏ ſhe ſhal not be in ward if ſhe were of ſuch age at ẏ time of the death of her aũceſter, but if ſhe were wõn ẏ age of xiiij. yeares and in ward of ẏ lord, thẽ ſhe ſhalbe in ward til ẏ age of 16. yers & alſo xxj. yeres is the age of ẏ heire male to bée in warde, and after ẏ out of warde, & alſo til ẏ age of male and female to ſue & to be ſued of lands which they haue or clayme by diſcent & to make al maner of contractes & bargaines and not before: But if ſuch an infaunt wõn the age of xxj. yeres geue his goods, & the donee take them, hee may haue an action of treſpas but otherwiſe it is if hee delyuer them him ſelfe.

Agreement.

AGreemẽt eſt en ceſt maũ deſine ou ex-

Agreement.

AGréemẽt is after this ſorte defined or expounded

poũded in master Plowdés Cometaries: Aggreamentũ is a worde compounded of two wordes namely of Aggregatio, and Mentium, that is to say agremẽt of minds, so that agrément is a consente of myndes in some thinge done, or to bée done, and by drawinge together of the ij. words Aggregatio, & mẽtiũ, & by the hastye & short pronouncing of thẽ, they be made one worde, to wit, Aggreamẽt', which is no other thing, then a ioining, putting, cupling, & knitting together of ij. or moe mindes in any thinge done, or to bée don. Sée after in Testament.

And this agrément is in iij. maners. The j. is an agrement executed

pounde en mr' Plowdens Cometaries: Aggreamentũ est vn pol cõpound de deux polx, ceſt a ſcauoier, de Aggregatio, et mentium, ceſt a dire agremẽt de mentes, iſſint q̃ agreament' ẽ aggregatio ment', in re aliqua facta, vel facienda: Et p le cõtracc' de les deux parolx, Aggreg. et métiũ, et p le correpẽ et br' perlance de eux, ils ſont fait vn pol cẽ a ſcauoier Aggreamẽtũ, le q̃l nẽ aut' choſe q̃ vn vniõ, collec', copulac', et coniunc' de deux ou pluſ. mẽts en aſẽ choſe fait, ou deſte fait. Voies apres en Teſtament.

Et ceſt agrement eſt en trois mañs. Le priñ eſt vn agreñt exec'

en

en fait al cõmencemẽt. Le ſecond é vn agremẽt puis vn act fayt per aut', et é vn agrement auxi. Le tierce é vn agreement execut' ou deſte fait en temps vnc'a vener. Le prim, que eſt vn agrement execut' enfait al commencemẽt, eſt tyel de q̃ mẽc' é faiten le ſtat' de 25. E. 3. cap. 3. de pannis, en quart' ſtat' que dit, que les bñs et choſes achates p̃ foreſtallers que de c' ſerrõt attaints ſoient forfaits al Roigne, ſi le achat' ent vſt fait gree al vẽdor, en quel caſe, ceſt parol (gree) q'eſt aut' ment appel agreemẽt, ſerra entende agreement execute. s. paimẽt pur les choſes. Le ſecond maner de agre-

al ready, at ỹ beginning. The ſecond is an agreement after an act done, by an other, and is an agreement executed alſo. The third is an agremẽt executorie or to be don in time yet to come. The firſt, which is an agreement executed already at ỹ beginning, is ſuch wher of mencion is made in ỹ ſtat of 25. E. 3. cap. 3. of clothes. in ỹ iiij. ſtatute which ſaith, that ỹ goods & things bought by foreſtallers beinge therof attainted ſhalbee forfait to the Queene, if the buyer haue therfore made gree with the ſeller, in which caſe, this worde (Gree) whichis otherwiſe called agrement, ſhalbe vnderſtood agremẽt executed, ỹ is, paiment for ỹ things. The ſecõd maner of agre-

ment

ment, is where one doth a thing, or act, and an other agrees or assentes thereto afterward, as if one doe a disseisin to my vse, and after I agree to it, nowe I shalbe a disseisour from the beginning, & such agreement is an agreemẽt after an act don.

The iij. agremẽt is whẽ both partyes at one tyme are agreed, that such a thing shalbe done in time to come, and this agrẽment is executory, in as much as the thing shalbe done after, and yet there, their mindes agreed at one tyme, but because the performance shalbe afterwarde, and so the thinge vppon which the agreemẽt was made remaynes to be done, ỹ agreemẽt shalbe said executory. And ỹ the statute

ment, est lou vn fayt vn chose ou act, et vn auter agree ou assent a ceo apres, cõe si vn fait disseisin a mõ vse, et aps ieo agree a ceo, ore ieo serra disseisor ab initio, et tiel agreement ẽ vn agreemẽt puis vn act fait.

Le tierce agreemẽt est quant ambid' pties a vn temps sount accords q' tiel chose serra fait en tẽps avener. et ceo agreemẽt est executory entant que le chose serra fayt apres, et vnc' la, lour ments accorde a vn temps, mes entãt que le performance serra aps, et issint le chose sur q' lagreement fuit fayt remayne a faire, ceo agreemẽt serra dit executory. Et c' le stat'

de

de 26.H.8.ca.3. pue, ou il dit q̄ chescē vicar person & tiels &c. deuant lour actual possess. ou medling oue les profits de lour benefice, satisfiera, cōteñ &c. ou agreera a paier al vse le Roigne, les priñ fruites &c. et si ascun tiel persō, vicar, &c. ent'en actual possession &c. ceo agreement, est deste intend executory cōe le cōmō vsage pue; car est vse, q' il oue vn ou ij. oue luy faier deux vel trois obligations pur ceo, deste pay en cert' iours apres. Et cest agreemt executorie est deuide en deux poits, vn est agreemt executory, q' est cert' al cōmencemt, cōe est dit darrain deuāt del priñ

of 26. H. 8. cap. 3. doth prouue, where it saith, that euery vicar, person, & such like &c. before their actual possession or medling wt the profits of their benefice, shal satisfie, content &c. or agree to pay to the vse of the Quæne, the first fruits &c. and if any such person vicar &c. enter in actual possessiō &c. this agrement is to be vnderstoode executory as ỹ cōmon vse prouues, for it is vsed, ỹ he, wt one, or ij. wt him doe make two, or thræ obligations for it, to bee payed at certeine dayes after. And this agreement executorye, is deuided in ij. pointes, One is an agreement executory, which is certein at the beginninge, as is sayed laste bee-fore of the first fruits.

The

The other is, where ỹ certentye doth not appeare at the first, and ỹ parties are agreed, ỹ the thinge shalbe performed, or payed, vppon the certenty knowen. As if one sell to an other, al hys wheat in such a tasse in his barne vnthreshed, & it is agreed betwene thē, ỹ he shal pay for euery bushel xij.d. when it is threshed cleaned & measured.

fruits. Laut' est, lou le certeinty nappt al primes, et les parties soūt accords q' le chose ser ra pformē, ou pay sur le certeintie con⁹, cōe si vn vend' al aut' tout son wheat en tiel tasse en son barne nyent threshe, et il est agree perenter eux, que il payera pur chesc' bushel xij.d'. quant il est thresh cleane et meas.

Aide.

AIde is when tenaunt for terme of life, tenāt in dower, tenant by curtesie, or tenant in tayle, after possibilitie of issue extinct is impleded, then for that, ỹ they haue noe estate but for terme of lyfe, they shal pray in aid of him in the reuersion, & proces shalbee made by writ against him, to cōe

Aide.

AIde est quaunt t' a terme de vie, t' en dower, t' p la curtesy, ou tenant en taile, aps possibilitie dissue extinct est, est impled', dō ques pur ceo q̄ ils nōt q̄ estate pur terme de vie, ils prayont aide de cesty en le reuersiō et proces serra fait per briefe vers luy, de veñ

& pleder oue le te-
naunt en defence del
terre ſil voile, mes il
couient q̄ ils accorde
en ple, car ſils vary le
ple le teñt ſerra priſe,
& donq̄ leide prier
eſt en vain: mes ſil ne
vient al ſecond briefe
le tenaunt reſponde-
ra ſole. Auxi tenaunt
a terme dans, tenant
a volunt, tenaunt per
Elegit, & tenaunt per
ſtatut merchant, aue-
ront ayde de ceſty en
la reuerſion, et le ſer-
uant & baily de lour
maſter quant ils ount
fait aſcun choſe loial
ment en le droit lour
maſter, aueront aide.

Aide de Roy eſt en
ſemble caſe come eſt
dit deuant de comen
perſon, & auxy en
pluſours auters caſes

and plede with the ten
in the defence of the la
if he will, but it behouet
that they agree in ple
for if they vary, the pl
of the tenāt ſhalbe take
and then the aide praye
is voide, but if hee com
not at the ſecond writte
then the tenant ſhal aun
ſwere ſole. Alſo tenaun
for terme of yeares, te
naunt at will, tenaunt by
Elegit, and tenaunt b
ſtatute merchaunt, ſhal
haue aide of him in the r
uerſion, & the ſeruant and
baylie of their mayſter
when they haue done a
ny thing lawfully in the
right of their maiſter,
ſhal haue aide.

Ayde of the Kynge
is in lyke caſe as it is
ſayed beefore of a com
mon perſonne, and al
ſo in manye other caſes

where

where the king may haue lou le roy puit auer
losse, although that the perde coment que le
tenaunt be tenaunt in fee tenant soyt tenant en
simple hee shal haue aide, fee simple il auera aid.
as if arent bee demaun- Come si vn rent soyt
ded against the kynges demaund vers le tenant
tenant which holdeth in le roye: que tient en
chiefe, he shall haue aide, chiefe il auera aide, et
and so hee shall not haue issint nauera de auter
of a common person. person.

Also where a Citie or Auxi lou vn citie ou
borough hath a fee ferme borowe ad vn fee
of the kinge & any thinge farme del roy, et ascũ
be demaunded against chose est demaunde
them which belongeth vers eux que appraine
to the fee ferme, they shal al fee ferme, ils auerõt
haue ayde for the losse of aide pur le pde l' roy.
the king. Auxy home auera

Also a man shall haue ayde de roye en lieu
ayde of the kynge in the de voucher. Auxi le
stede of voucher. Also baillife de roy, collec-
the kynges Baillife, the tour, et pur vewour
collector and purveyour aueront ayde de roy
shall haue ayde of the auxy bien come les
kinge as well as the offi- officers de autres per-
cers of other persons. sons.

G. Allen

roy ayde de le Roye. pur tient en chefe.

Alien.

ALien est celuy que pere et il mꝫ fuerōt ābideux nee hors de legeāce le Roigne. Et si tiel aliē, nesteant vn enemy del roigñ, mes vn alien amy, vient et demurr'cy en Engleterre et ad issue, cest issu nē alien, mes Angloys. Issint si vn Angloys ala ouster le meere oue le licence del roigñ, et la ad issu, cest issue nest alien.

Alien.

ALien is he whose father & him selfe were both borne out of the Quœnes legeance, and if such an alien being none of ỹ Quœnes enemies, but an alien frend, come & dwel here in England and haue issue, this issue is no alien but English so if an English man ge ouer the Seas with the Quœnes licence, & there hath issue, this issue is noe alien.

Alienation.

ALienation idē est quod alienum facere, d'alter, ou mitte le possession de terre, ou auter chose de lun home al auten.

Alienation.

ALienatiō is as much to say, as to make a thing an other mans, to alter or put the possession of land or other thing frō one man to an other.

Ambidexter.

AMbidext' ē celuy q̄ q̄nt vn matt' est

Ambidexter.

AMbiderter, is he, that when a matter is in

suite

suite betweene men, taketh money of ỹ one side & of the other, either to labour the suit, or such like, or if he be of the iury, to say his verdict.

Amendment.

AMendment is when errour is in the proceſſe, the Iustices may amend it after iudgment. But if there be errour in geuing of iudgment, they may not amend it, but ỹ partie is put to his writ of error. And in many cases where the default appereth in the clarke ỹ writeth the Record, it shalbe amended: but such things as come by Information of the partie, as the towne, misterye, and such like, shal not bee amended, for he must informe true vpõ his peril.

Amercement.

suit penter hões, prist mony de lun part, et del aut', ou pur labor le suit, ou tiels semblables, ou sil soit del iury, pur dir' sõ verdict.

Amendment.

AMendemẽt est qñt error ẽ en le proces, les Iustices poient c̃amend' aps iudg.' Mes si error soit en iudgñt dõe, ils ne poiẽt amẽd' ceo, mes le pty est mis al br' de errour. Et en plusours cases lou le def. appiert en l' clark que escriera le reẽ, il serra amend. Mes tiels choses que vient per information del partie, come le ville, miſteri, et huiusmodi, ne serr' amend, car il doet enformer veray a son peril.

Amercement.

C.ij. Amerce-

AMercemt plus properm̃t eſt c̃ en vn court baron, leete, ou lawday. q̃l en vn court de rec̃ deuant Iuſtices eſt appel vn fin̄, et eſt vn penaltie aſſeſſe p̃ le hom̄ pur vn offence fait en court m̄ l'court, eo̅e pur def. de ſuit de court, ou pur no̅ame̅ding de aſc̃ choſe q̃ il fuit appoint d' redreſſer p̃ cert' t̃ps al darr' court iour deuant, ou pur tiel ſemblabl' cae.

Amercement royal.

AMercem̃t royal eſt q̃m̃t vn viſe', coron̄ ou aut' graũd officer del roigne eſt amercy p̃ les Iuſtic' pur ſo̅ miſdemening en l' office.

An, iour, et waſt.

AN, iour, et waſt, eſt vn forf. q̃m̃t vn hõe ad fayt petit treaſon,

A Mercement moſt properly is that in a court Baron, Lecte, or Lawday, which in a court of Record before Iuſtices, is called a fine. And is a penalty aſſeſſed by the homage for an offence done againſt ỹ ſame court, as for lake of ſuit of court or for not amendinge of ſome thinge that he was appointed to redreſſe by a certeyne tyme at the laſt court day before, or for ſuch like cauſe.

Amercement Royal.

A Mercement Royal is when a ſheriffe, coroner, or other ſuch officer of ỹ Queene is amerced by the Iuſtices for his abuſe in the office.

An, iour, et waſt.

AN, iour, et waſt is a forfaiture whẽ a m̃ hath cõmitted petit Treaſon,

or

or felony, & hath landes which he holdeth of some common person which shal be seised for the Quæne, & remaine in her handes by the space of one yere & a day next after ỹ attainder, & then the trees shal be digged vp, the houses shalbee rased and pulled downe, & the pastures & medowes eared & plowed vp, a thinge the more to græue the offendors, and terresy others to fal into the like, in shewing how the lawe doth detest their offence, so farre forth as that it doth execute iudgment & punishment euen vpon their dome & dead thinges.

ou felony, et ad terres q̃ux il tient de asc' cõmon pson, q̃ux serra seisi pur le roigne, et remaine en sa maines per le space de vn an, et vn iour, pcheine le attainder, et donques les arbres serr' defosse, les measõs serra rases, et l's pastures & prees arres, et plowed. Vn chose le pl⁹ de greeũ le offenders, et terresy auters de fall est tiel, en demonstrans cõm l' lei detestat' lour offence cy auant, issint q̃ il execute iudg. et punishm̃t sur lour mute et mort choses.

Annuitie.

A Nnuitie is a certeine sũme of money graunted to an other, in fee simple, fee taile, for terme of

Annuitie.

ANnuitie ẽ vn cert' sũme dargent grãt a auter en fee simple, fee taile, pur terme de

vie, ou pur terme de ans, a receū del graū tour ou ſes hr'es, iſſint que nul franktenem̄t eſt charge de ceo.

Appell.

APpel eſt lou vn ad fait murder, robberie, ou felony, donques la feme ceſti qui eſt tue auera vn action de appell vers le murderer, mes ſil nad feme dōques ſon procheine heire male aūa le appel a aſcū temps deyns lan & iour aps le fact. Et auxy ceſty que eſt iſſint robbe auera ſon appel deyns meſme la temps. Et ſi le def. ſoit acquite il recoūa dam̄ vers lappellour et labbettors, et ils aūont lenpriſom̄et dum an, et ferrōs fine al roy.

life, or for terme of yeres, to receiue of the graūte, or his heires, ſo that noe freehold is chargod therewith.

Appell.

APpell is where one hath doon murder robery or felonye, then the wife of him that is ſlaine ſhal haue an accion of appeale againſt the murderer: but if he haue noe wife, then his nerr heire male ſhall haue the appeale at any time within the yere and day after ỹ dēde. And alſo he that is ſo robbed, ſhall haue hys appeale with in ỹ ſame time: And if the defēdant be acquited he ſhall recouer dammages againſt the appellour, & thabettours and they ſhal haue the priſonm̄et of a yere, & ſhall make fine to ỹ kig.

An

An appeale of mayhem, is in maner but an acciõ of tresp as, for he shal recouer but damages,

Vn appel de mayhẽ nest en mañ forsq̃ action de trñs, car il ne recoũa forsq̃ damñs.

Appellant.

APpellant is ỹ plaintife in the appel.

Appellant.

APpellant ẽ le plaintife en le appell.

Appellor.

APpellor, or appʒouer, is he who hath committed sõe felony, which he confesseth, and nowe appelleth, or appʒoueth, that is to say, accuseth other that were coadiutours, or helpers wt̃ him, in doing the same, or other felonies, which thig he wil appʒoue, & therefore is called ī latin, Probator.

Appellour.

APpellour ou approuer est cesty q̃ ad fait ascun felonye, le quel il confesse et a ore appel, ou appʒue, cest adire, accuse auters q̃ fueront coadiutors ou helpers oue luy en fesans de ceo, ou auters felonies, le q̃l chose il voet appʒuer, et pur c̃ est appel en latin Probator.

Appendant, et Appurtenãt.

APpendant et purtenãt are things ỹ by time of prescripciõ, haue belõged,

Appendant & Appurtenant.

APpendant & Appurtenant, sount choses q̃ ꝑ tẽps de ꝑscription oũt belong,

pertaine, et soūt ioine al aut' principal chose ouesq; q̄l ils passōt, et va cōe accessory al m̄ pricipal chose, p vertue de ceux parols: Pertinētijs: cōe terr', aduowsōs, cōmōs, piscaries, chimins, courts et diūs tiels sēblables, al vn maner, meason, office, ou tiels auters.

pertained, and are ioyned to an other principal thing with which they passe, & goe as accessary to the same principal thing, by vertue of these wordes, Pertinencijs: As lād, aduowsōs, Comōs, Piscaries, waies, courts, and diuers such like, to a maner, house, office, or such other.

Apportionment.

APporcionm̄t ē vn deuiding en partes dū rent (le q̄l est deuidable) et nient ent' ou whole, et entaunt q̄ le chos' pur l'q̄l, ou hors de q̄, il fuit deē pay, est seperate et deuide, le rent auxi serr' deuide ayent respect a les pts. Sicōe vn home ad vn rent seruic' issuāt hors de terres, et il purchas parcel de le terre, le

Apportionment.

A Apportionment is a deuiding into partes of a rent (which is deuidable and not entier) or whole, and for so much as the thinge for which, or of which it was to be pated, is seperated and deuided, the rent also shalbe deuided hauing respect to the partes: As if a man haue a rent seruice issuing out of lands, and hee purchaseth parcel of the land, the

rent

rent shalbe apportioned accoꝛding to the value of the land.

So if a man holde his lande of another by Homage, Fealtie, Escuage, and certeine rent, if the Lorde of whome the lande is holden purchase parcel of the lande, the rente shalbee apportioned.

Also if a man let lands and goodes foꝛ yeares reseruinge rent, and after a stranger recouereth the lande, then the rent shalbee apportioned, because the goodes are not recouered but remayne: And soe it is if but part of the lande bee recouered the rent shalbee apportioned, that is to say deuided, and the lessee shal pay, hauinge respect to ꝑ which is recouered,

rent serra apportion accordaunt all value del terre.

Issint si home tient son terre dū auter per Homage, Fealtie, Escuage, et certein rent, si le sr̄ de que le terre est ten⁹ purchase parcel de le terre, le rent serra apportion.

Item si home lessa, terres et biens pur ans reseruaunt rent, et apres vn estraūger recouer le terr', dōques le rent serra apportion, pur ceo que les biens ne sont recouer mes remayne: Et issint est si forsque part de terre soyt recouer, le rent serra apporcion, cest adire, deuide, et le lessee payera, ayant respect a ceo que est recouer,

et

et a ceo que ore remayne en ſes maines, accordaunt al value.

Mes vn rent charge ne poet eſtre apportion, ne choſes q' ſount entyer, ſicome vn tient terres per ſeruice de payer a ſon ſeignior annuelment a tiel feaſt vn Chiual vn eſperuer, vn roſe, vn chery, ou tiels ſemblables: La ſi le ſeigniour purchaſe parcel de la terre, cē ſeruice eſt tout ale, pur ceo q' vn chiual eſpuer vn roſe, vn chery, et tiels auters, ne poyent ēe deuide, ſeuere, ne apportion ſauns dammage al entierty,

and to that which remaynes in hys handes, accordinge to the value.

But a rent charge cā not bee appoꝛtioned, no thinges that are entier as if one holde lande by ſeruice to paye to hys Lorde yearelie at ſuch feaſte a Horſe, a Hauke, a Roſe, a Cherie, or ſuch lyke. There if the Lorde purchaſe parcell of the lande, that ſeruyce is gone altogether, bēcauſe a Horſe, a Hauke, a Roſe, a Cherye, and ſuch other, cannot bee deuided ſeuered, noꝛ appoꝛcioned without hurt to the hole.

Appropriations were when those houses of the Romishe religion, and those religious persons, as Abbots, Priours and such like had ye auowson of any personage to the and to their successours, and obtayned lycence of their holy father the Pope, that they them selues and their successoures from thence forth shoulde bee personnes there, and serue the cure. And so at the begynninge appropriations were made onely to those personnes spiritual that coulde minister the sacramentes and saye deuine seruice, as Abbotes, Priours, Deanes & such like after

Appropriations fueront quant ceux meaſõs d'le Roomish religion, et ceux religious perſons, cõe Abbes, Priours, et tiels ſẽbles, ount laduovvſõ de aſcun Parſonage al eux et a lour ſucceſſours, et obteyne licence de lour ſaynt peere le pape que ils mis et lour ſucc' de c' en auant, doyent eſte perſons la, et ſeruer le cure. Et iſſint al commencement appropriatyons fueront fait ſolemẽt a ceux perſõs ſpiritual, que puiſſoyent miniſter les ſacramentes et fayer deuine ſeruice cõe Abbes, Priors, Deanes, et tiels ſemblables; apres

per

per petit et petit, ils fu
eront enlarge, et fait
as auters, ceſtaſſauoir,
al deañ, et chapt', q̃l é
corps corporate cõſiſ-
tant de pluſors, quel
corps inſemble ne pu-
iſſoit dire deuine ſer-
uice. Et q' pluis fuit
al Nonnes, que fuerõt
Prioreſſes, de aſc' nũ-
ry, q̃l fuit choſe hor-
rible, entaunt que ils
ne puiſſoient miniſter
ſacrañts, ne preacher,
ne dire al parochiens
deuine ſeruice. Et
tout ceo fuit ſur pre-
tence de hoſpitalitie,
et maintenance de c'.
Et de ſupplyer les
dits defectes, vn vi-
car fuit deuyſe quel
ſerroyt deputye all
Priores, ou Deane et
Chapter, et auxy al
darreyne al dites Ab-

by lytle and litle, the
were enlarged and ma
to other, as namelye
to a Deane and Chap
ter, which is a body co
porate conſiſting of ma
nye, which bodye toge
ther, coulde not ſaye d
uine ſeruice, and wh
more was to Nunn
that were Prioreſſes
ſome Nunry, which wa
a wicked thinge, in ſo
much as they coulde ne
ther miniſter ſacramẽt
nor preach, nor ſaye d
uine ſeruice to ẏ parſhi
oners. And al this wa
vppon pretence of ho
pitalitye, and mayntc
naunce thereof. And t
ſupply theſe defects, a vi
car was deuiſed, whoo
ſhould be deputy to ẏ pri
oreſſe, or to the Deane
and chapter, and alſo at
the laſt to the ſayed Ab-

bots

bets and others, to say deuine seruice and should haue for his labor but a litle portion, and they to whome the appropryation was made, should retayne the great reuenues, and they dyd nothinge for it, by meanes whereof hospitalyty decaied in the place where it ought to haue bē chefely mayntained, namely in the parishe where the benefice was, and where the profites dyd growe, & so it continueth to this day, to ỳ great hinderance of lerninge ỳ empouerishmēt of ỳ ministery, & ỳ infamy of ỳ gospel & professor therof.

Approuement.

APpprouemēt is wher a man hath common in the lords waste grouñ, and the Lorde encloseth

bes et auters, adire deuine seruice, et il aūoit forsq; petit porē et ils a q̄ le appropriation fueront fait, reteinont le graund reuenue, et fesoient riens pur ceo, per quel meanes, hospitalitye fuit decay en le lieu, ou il doit estre chefement garde, nosment en le parish ou le benefice fuit, et ou les profites cressoient. Et issint il continue tanque a ceste iour al graund hinderance de lerning le empoūishmēt d'le ministery, et l'infamy del gospel et professor de ceo.

Approuement.

APprouemēt ē lou vn hōe ad cōmon en le waste terre del sñr, et le sñr enclose

part

part del wast pur luy m̃ relinquát nient obstant sufficient comõ oue egresse, et regresse pur les comoners. Cẽ enclosure ẽappel approuement.

part of the waſt for him ſelfe, leauinge neuer the leſſe ſufficient comon, to egreſſe & regreſſe for the cõmoners: This enclo-ſinge is called approue-ment.

Arbiterment.

ARbiterment est vn award, determinac' ou iugemẽt quel plusors font al requeſt d' deux parties al meins, pur ester sur ascun det ou auter controuersy eyve perent les dits parties. Et est appell en latine, Arbitratus, et arbitriũ, et ils q̃ font le award, ou arbiterment, sount appel Arbitri, en Englois, Arbitrators.

Arbiterment.

ARbiterment is an award, determination, or iudgement, which one or more, maketh at the requeſt of ij. parties at the leaſt, for, & vpõ some det treſpas, or other controuerſie, had betweene the ſayed parties: And this is called in latin Arbitratus, and arbitrium, and they that make ỹ award, or arbiterment, are called Arbitri, in englith Arbitrators.

Arest.

Arrest est quant vn est prise et restraine

Arest.

ARreſt is when one is taken and reſtrayned from

from his libertye none shalbe arrested for debt, trespas, detinue, or other cause of action, but by vertue of precepte, or commaundemēt out of some court. But for treason, felony, or breaking of the peace, euery mā hath auctority to arest without warrant or precept, and wher one shalbe arrested for felony, it behoueth ỹ there hath bene some felony done, and that he be suspected of ỹ same felonye, or otherwise hee may haue against hym that soe did arest him, a writte of false imprisonment.

de son liberty, nul serra arrest pur debte, trespas, detinue, ou auter cause de action, mes per vertue dun p̄cept, ou cōmaundm̄t hors de ascun court. Mes pur treason, felony, ou debruser de peace, chesc' home ad auctority de arrester sās garr' ou p̄cept. Et ou vn serra arrest pur felony, il couiēt q̄ asc̄ felony soit fait, et que il soit suspect de m̄ le felony, ou autrem̄t il poit auer enuersluy q̄ issint luy arrest vn br̄ de faux imprisonmēt.

Arrerages.

ARrerages, are duities behinde vnpayed after the dayes, and tymes, in which they weare due, and

Arrerages.

ARrerages, sount duityes arrere nyēt pay apres les iours, et temps, en quel ils fuerount dues, et doient

doient auer eſte paies ſoient il rent de main ou aſcun auter choſe reſerue.

ought to haue ben paye whether they be rẽt or maner or any other thing reſerued.

Aſſets.

ASſets eſt en deux ſortes, lun appel aſſets per diſcent, laut aſſets ent mains. Aſſets per diſcent eſt lou vn hõe a oblige é vn obligac et moruſt ſeiſi de t̃res en fee ſimple q̃x diſcend a ſon heire, mes il ne fiſt executors, ou ſil fait executours ne relinquiſt ſufficiẽt t̃ns pur diſcharger cẽ obligation, donques eſt terre ſerra appell aſſettes, ceſt adire ſufficiẽt de paier cẽ det, et per ceſt meanes le heire ſerra charge rien auant que le terre iſſint a luy diſcẽd voile

Aſſets.

ASſets is in ij ſortes, the one called Aſſets per diſcent, the other Aſſets enter maynes. Aſſets per diſcent, is where a man is bound in an obligation and dieth ſeiſed of lãds in fee ſimple which diſcend to his heire, but maketh nõ executors, or if he make executors leaueth not ſufficient goods to diſcharge this obligation, thẽ this land ſhalbe called aſſets that is to ſay enough or ſufficient to pay the ſame det, and by that meanes the heire ſhalbe charged, as farre as the lande ſoe to hym diſcended will

ſtretch:

stretch: But if he haue a-lienedbefore the obligation be put in suite, hee is discharged.

Also when a man seised of lands in taile, or in right of his wife, alieneth the same with warrantie, and hath in value as much land in fee simple which discendeth to hys heire, who is also heire in taile, or heire to ỹ woman: Nowe if the heire after the discease of his auncestour bring a writ of formedon, or for the lande so alienced, then hee shalbee barred by reason of the warranty & ỹ land so discended, which is as much in value as that that was sold, & so thereby hee hath receiued noe preiudice, & therefore this land is called Assets per discēt.

stretch. Mes sil ad alien deuāt q' le obligation soit mise en suit, il est discharge. Auxi quāt vn hōe seisie de terre en taile, ou en droit de sa feme, alien ē oue garrātie, et ad en value tant t're en fee simple q' discend a sō heire, q' est auxi heire en tail' ou heir' al fēe, ore si le heire apres le mort son auncestour pt vn br'de Formed', ou sur Cui in vita, pur Cui le t're issint alien, dōin vita ques il serra barre per reason del garrantie et le t're issint discēd, q̄ est tāt en value cōceo que fuit vende, et issint p ceo il nad receiue aſcū piudice, et pur ceo cest terre est dite assets per discēt.

D.j. Assets

Assets ent' mains, est q̃n vn hõe endet cõe deuãt est dit, fait executors, et relinquist a eux suffic' de paier, ou asc' cõmoditie, ou p̃fit est venus al eux en dr't lour testat', cé appel assets ẽ lour mais.

Assignee.

ASsignee est celuy a q̃ vn chose est appoint, ou assign̄ deste occupy, pay, ou fait, et est touts foits tiel perſõ, q̃ occupy ou ad le chose issint assign̄ ẽ sõ droit deñ, et pur luy m̃. Et d' assignees il y sõt ij. sorts, nosm̃s Assignee en fait, et assignee en ley. Assignee ẽ fait est q̃n vn leas est grãt al vn et a ses ass. ou sãs ceux pols, assignees, et l' graũtee don graũt, ou vend' le dit leas al auter, il est son assignee en fait.

Assets ent' mains, is whe a man indebted as before is said, maketh executors & leaueth to thẽ sufficient to pay, or some cõmoditie or p̃fit is cõe to thẽ in right of their testator, this is said assets ī their hãds.

Assignee.

ASsignee is he to whõ a thing is appointed, or assigned to be occuppyed, paied, or don, and is alwaies such a perſõ which occupieth or hath ỹ thing so assigned in his owne right, & for him selfe. And of assignees there bee ii. sorts. Nãely assignee in deed, and assignee in law. Assignee in deed, is when a leas is graũted to a mã & to his assignees or without those words, assignees & ỹ grantee giueth, graũteth, or selleth the same leas to an other, he is his assignee in deede.

Assignee

Assignée in law is euery executor named by ỳ testator in his testamẽt, as if a leas be made to a mã & to his assignées (as is aforesaid) & he maketh his executours & dieth wout assignemẽt of the leas to any other, nowe ỳ executors shal haue ỳ sãe leas because they are his assignées in law, & so it is in diuers other like cases.

Attainder.

ATtainder is a cõuiction of any person, of a cryme, or fault, whereof he was not cõuict before, as if a man haue cõmitted felony, Treason, or such like, & therof is endited, arraigned, & foũd giltie, & hath iudgment: then he is said to be attainted. And this may be ii. ways the one vpon apparance, the other vpon default.

Assign̄ en ley é chescũ executʳ nosme p̄ le testaʳ en son testamẽt. Sicõe vn leas soit fait al vn hõe et a ses assignees (sicõe est auãtdit) et il fait ses executʳs et moruſt sans assigneiñt del leas al ascũ auter: Ore les executʳs aũa ñ le leas pur ceo q' ils sount ses assignees en ley. Et issint é en diũs autʳs semblables cases.

Attainder.

ATtaindʳ est vn cõuiccʳ dascʳ persõ dũ crime, ou faut, doũt il ne fuit cõuict deuãt: Sicõe vn hõe fait felony, treasõ, ou tiels sẽblables, et dʳ c'é ẽdict, arrʳ, et troue gilty, et ad iudg. dõq's il é dit deẽ attaint. Et c' poet este deux voies, lũ sur appar', lautʳ sur def.

Le attainder sur appa rance est p confession, battayle ou verdict. Le attainder sur def. est per processe.

The attainder vppon apparance is by confession, Battaile, or verdict. The attainder vppon default is by proceſſe.

Auerment.

AVermẽt est lou vn hõe pled' vn ple en abatemẽt de briefe ou barre dactiõ, q̃l il dist, il ẽ prist de ꝑuer cõe l' court voit agard, cẽ offer de ꝑuer sõ plee, est appel vn auerm̃t.

Auerment.

AVerment is where a man pleadeth a plee in abatement of the writ or barre of the accion which hee sayth hee is ready to prove as the court wil award: this offer to prove his plee is called an auerment.

Auerpeny.

Auerpeny hoc ẽ quiet' esse de diuersis denarijs pro aueragijs domini regis.

Auerpeny.

AVerpeny that is to bee quite of diuers sũmes of money for the kinges auerages.

Auncien demesne.

AVnc' demesne, sõt cert' tenures ten^{9} de ceux manours q̃ux

Auncien demesne.

AVncien demeſne, are certein tenures holden of thoſe manours that were

were in the hãds of saint Edward the confessour, and the which hée made to be written in a booke called Domes day. sub titulo regis, and all the lands holden of the said manours be auncien demesne, and the tenaunts shal not be impleded out of the said manor, and if they bée, they may shew the matter, and abate the writte, but if they answere to the writte, and iudgment be geuen, then the lands become franke fee for euer. Also the tenauntes in auncien demesne be free of tolle for al things cõcerning their sustenãce & husbandry in auncien demesne, & for such lands they shall not be put or impaneled vpõ any enquest. But all the lands in auncie demesne

fuer' en les maines de seint Ed. la confessor et les q̃x il fist escrier en vn liuer appel Domes day, sub titul' regis, et touts les terres ten⁹ del dit mañs sõt aunc' demesn̄, et les tenãts ne serrõt implede horsdel dit mañ, et sils sont ils poyent mr' le matt' et abater le br', mes sils rñd' al briefe et plede et iudg' doñ, dõq; les terres sõt deuen⁹ frãke fee a touts iours. Auxi toutes tenãts en aunc' demesn̄ sõt franke de toll pur touts choses cõcernãt lour viand' & husbãdry in aunc' demesne, et pur les terres ils ne serront mis ne impanel sur ascun enquest. Mes toutes les terres en auricien demesne

Domes day sub titulo regis

queux soũt en maines le roy soũt frank fee, et pledable al comen ley. Voyes plus apres en le title Sokmans.

that are in the Kynges hands be franke fee, and pledable at the common lawe. See more after in the title Sokmanes.

Auowry.

AVowry est lou vn prist distres pur rent ou auter chose, & laut' sua Repleuin, dõq's celuy qui auoit prise, iustifiera en son plee pur quel cause il le prist, et issint auowa le prise, et ceo est appel son auovvrie.

Auowry.

AAuowry is where one taketh a distresse for rent or other thing, & the other sueth a repleuin, the he ỹ hath take̅ it, shal iustify in his plee for what cause he toke it, and so auowe the taking, and ỹ is called his auowry.

Baile.

BAile est quant vn hõe est prise, ou arrest pur felony, suspicion de felony, endict de felony, ou en ascũ tiel case, issint q' il est restraine de son libertie, Et esteant p la ley baylable offer suerty al cux q' oũt auctho-

Baile.

BAile is when a man is taken, or arrested, for felony, suspicion of felony, endited of felony, or any such case so that he is restrained of his libertie: And beinge by lawe baileable offreth suerty, to those that haue auctho-

ritie

ertie to baile him which ſuerties are bounde for him to the Quēnes vſe in a certeine ſume of money, or body for body, ỹ he ſhall appere before the Iuſtices of gaole delyuery at ỹ next ſeſſiō &c. Thē vpon the bonds of theſe ſuerties, as is afore ſayd, he is baſled, that is to ſay ſet at libertie, vntyll the day appointed for his apparance.

rity a lui bail', les q̄ux ſuerties ſoūt obl' pur luy al vſe le Roign en vn cēt' ſōm d' money, ou corps pur corps, que il apperera deuāt les Iuſtic' de gaol' deliuery al pchein ſeſſiō &c. Donques ſur les bōds de ceux ſuerties, come eſt auātdit, il eſt baile, cē adire, miſe al liberty tāq; le iour appoint pur ſō apparāc'.

Bailement.

BAilement is a deliuery of things (whether it be of writings goods or ſtuffe) to an other, ſome times to be redeliuered backe to ỹ bailor, ỹ is to ſay, to him ỹ ſo deliuered it, ſomtimes to the vſe of ỹ baily, ỹ is to ſay of him to whō it is deliuered, and ſōetimes alſo it is deliuered ouer to ỹ third perſō.

Bailement.

BAlemēt ē vn 'deliuy de choſes (ſoiēt ils de eſcripts, biēs, ou ſtuffe) al aut', aſc' foits deē redeliūarer' al bailor, cē adire, al celuy q̄ iſſint deliū ceo, aſcun foits al vſe del bayly, cē adir', de luy a q' il ē deliuer, et aſcun foits auxi deſte deliuer ouſter a vn tierce perſō.

Cẽ deliuere eſt appel vn bailement.

Bailife.

BAilife eſt vn officer q' appertient al vn manor, pur order le huſbandrie, et ad auctho-ritye de payer quitrents iſſuáts hors del mañ, ſuccide arbres, repaiter les meaſons, faire pales, haies, diſtreiñ aũs ſur le t're et diuers tiels ſemblables. Ceſt officer ẽ celuy, q̃ les aũc' Saxons oũt appel vn Reeue: car le noſme (Bailife) ne fuit dõq̃s con⁹ ent' eux: mes viẽt eins oue les Normás, et eſt appel en latyn, villicus.

Bakberinde theefe.

BAkberind' Theefe eſt vn lar' q' ẽ priſe oue le manner ceſt adire, ayát cẽ troue ſur luy (eẽant purſue oue

This deliuery is called a bailement.

Bailife.

BAilife is an officer that belongeth to a manour to order the huſbandry, & hath auctho-ritie, to paye quitrents iſſuing out of ỹ manor, fell trees, repaire houſes, make pales, hedges, diſtreine beaſtes vpõ the ground, & diuers ſuch like. This officer is hee whom the auncient ſarõs called a Ræue: for the name (bailife) was not then knowne amonge thẽ but came in with the Normans, & is called in lattin villicus.

Bakeberinde theefe.

BAkberinde Theefe, is a theefe that is takẽ with the manner, that is to ſay, having ỹ found vpon him (being followed with

the

the hue and crie, which he hath stollē whether it be mony, linen, woollē, or other stufe, but it is moste properly sayed when he is taken, carynge those thynges, ỹ he hath stollen in a bundel, or fardel, vpō his backe.

hue et crie) le quel il ad emblee, soit il mo-ney, linen, woollē, ou auter stufe, mes il est plus properment dit, quant il est prise, portans tiels choses q̄ il ad emblee en vn bundel, ou fardel sur sō dorse.

Bargaine and sale.

BArgaine and sale, is when a recompence is giuen by both the parties to the bargain. As if one bargaine & sel his land to an other for mony. Here the lande is a recōpēce to him for the money, & the money is a recōpence to the other for the lande, & this is a good contract and bargain, and fee simple passeth, notwithstāding he doth not saie, to haue and to hold the land to him and to his heires.

Bargaine & sale.

BArgaine et sale, est quant vn recōpēce est dōe per ambideux les parties al bargaine Cō si vn bargaine et vēd' sō t're al aut' pur argēt. Icy le terre ē vn recompence a luy pur largent, et le argent ē vn recōpēce al auter pur l' t're, et cē vn bō cōtract et bargaine, et fee simple passa nyent obstant il ne dit, a auer et tener le terre a luy & a ses heires.

Et

Et per tiel bargaine et sale, terres poyent passe sauns liuery de seysin, si le bargaine et sale soyt per fayt endent, seale, et enrolle, ou en le countie lou le terre gist, ou en vn des courts del Roygne de recorde al Westminster deins v. moyes procheyne apres le date de mesme le escript endent accordaunt all statut en cest case fayt en le 27. An. de H. 8. cap. 16.

And by such a bargaine and sale, landes may passe without liuery of seysin, if the bargayne and sale be by deede indented sealed and enrolled, eyther in the countye where ỹ land lieth, or in one of the Quenes courtes of Recordes at Westminster, within vj. monethes next after the date of the same writting endented accordinge to ỹ statute in that behalfe made in the 27. yeare of H. 8. ca. 16.

Barre.

BArre est quaunt le defendant en ascun action plede vn plee que est sufficient respons, & ceo adnulla action del pleintife a touts iours.

Barre.

Barre is when the defendant in any action pledeth a ple which is a sufficient answere, and that distroyeth the action of the pleintife for euer.

Bas.

Bastarde.

BAstarde is hée that is borne of any woman not maried soy hys father is not knowen by the order of the lawe, & therfore he is called the childe of ỹ people. But by the lawe spiritual if one get a child vppon a woman which child is borne out of wedloke, & after he mary the same woman, thẽ such a childe shalbe said mulier & not bastarde. But by ỹ lawe of Englãd it is a bastard: and for ỹ cause whẽ such special bastardy is alleaged, it shalbe tryed by the countrey & not by the bishop. But general bastardy alleaged shalbe tried by ỹ certificat of ỹ Bishop.

And if a woman hée greate wyth childe by

Bastarde.

BAstarde est celuy que est nee dasc' fée nient espouse issint q' son pere nest conus p order del ley, & pur ceo il est dit filius populi, mes per la ley spiritual si vn engender vn infant sur ascun fée que infaunt est nee hors del espousels, & puis il mary ẽ la fée: donques tiel infaunt serra dit mulier et nemy bastarde, mes per le ley Dengleterre il est bastard, et pur ceo quaunt tyel especiall bastardye est allege, il serra trye p pais, & nemy per leuesqꝫ, mes general bastardy serra trie per certificatiõ del Euesqꝫ.

Et si vn femme soyt grose de infaunt, per

son

ſon baron, que mo-
ruſt et el priſt auter
baron, et apres lenfãt
eſt nee, ceſt ſerr'dit lẽ-
fant le primer baron.
Mes ſi el fuit priuemt
inſeint al temps del
mort ſon primier ba-
ron, donques il ſerra
dit lenfant le ſeconde
baron, ſed quære, et
voyes loppinion de
Thorpe 21.E.3.39.

Auxi ſi vn hõe prent
feme que ſoyt groſe-
ment inſeint per aſcũ
auter que ne fuit ſon
baron, et puis lenfant
ẽ nee deins les eſpou-
ſels, donques il ſerra
dit lenfaunt le baron
meſq; il fuit nee forſ-
que vn iour apres les
eſpouſels ſolempnes.

her huſbande who dieth
and ſhe taketh an other
huſband, & after ẏ childe
is borne, this child ſhal-
bee ſayed the childe of the
firſt huſbande. But if
thee were priuely wyth
childe at the tyme of the
death of her firſt huſbãd,
then it ſhalbe ſaid ẏ childe
of ẏ ſecõd huſband, but en-
quire farther, & ſee ẏ opi-
niõ of Thorp. 21. E. 3. 39.

Alſo if a manne take a
wyfe which is greate wi
chylde by an other that
was not her huſbande, &
after the chylde is borne
with the eſpouſels, then
he ſhalbe ſaied the childe
of the huſbande, though
it were borne but one
day after ẏ eſpouſels ſo-
lempniſed.

Battaile. Battaile.

Bat-

BAttayle is an auncyent trial in our lawe, which the defendaunt in an appeale of felony may chose, that is to say, to fight with the appellant, for prose whether he bee culpable of the felony or not: which combate if it fal out soe wel on ŷ part of the defendant, that he doe vanquish the appellant, hee shal goe quite, and barre him of his appel for euer. But if one bee indicted of felonye, and an appel is brought vppon the same indictment, there the defendant shal not wage battayle. Battaile also may be in a writ of right.

BAttaile est vn auncién trial en nr'e ley quel le def. en vn apele de felony poit eslier, ceſtaſſauoir, a cõbater oue lappellant pur proofe ſil ſoit culpable del felony ou non: quel combate ſil ſucceda ſi biẽ del part le defendaunt que il vanquish lappellant, il alera quite, et luy barrera de ſon appel a touts iours. Mes ſi vn ſoit endite de felony et vn appel eſt port ſur m̃ lendictement, la le def. ne gagera battaile. Battaile auxi poit eſtre en vn br' de droit.

Bigamy.

BIgamy was a counterplea (deuiſed at the Councel of Lions vppon

Bigamy.

BIgamy fuit vn coũterplea (deuiſe al Coũcel de Lions ſur miſlike

mislike de secõd mariage) deste obiect quant le prisoner demaunde le benefite del Clergie, cestassauoir, son liuer come nosment a dire, que il que demaund le priuiledge del clergy, fuit mary a tiel feme en tiel lieu deins tiel dioces, et que el est mort, et que il ad apres marie vn aut' feme deins ẽ le dioces, ou deins aũ aut' dioces, et ils Bigamus: Ou sil nad este forsque vn temps mary, donques adire que el, que il ad espouse est, ou fuit vn vief, cest adire le relict dun tiel &c. Le quel chose serra trye per Leuesq' de le dioces, ou le espousals sount alleage. Et

mislike of second marriage) to be obiected whe the prisoner demaundeth the benefit of the Clergie, to wit his booke, as namely to say, that hee which demaundeth the priuiledge of the clergy, was maried to such a woman, at such a place within such a diocesse, & that shee is dead, and that he hath since maried an other woman, within the same dioces, or within some other diocesse, and so is Bigamus. Or if he haue bin but once maried, then to say that she whom he hath maried, is or was a widow, that is to say the left woman of such a one &c. which thing shalbe tried by the Bishop of ỳ diocesse, where the mariages are alleged. And beinge

beeinge soe certifyed by the Bishoppe, the prisoner shall lose the benefite of the clergie. But at this daye, by force of the Act made in Anno 1. E. 6. cap. 12. this is noe plea, but that hee may haue his Clergye yet not wythstandinge.

Soe is Brooke titulo Clergie placito 20. to the same purpose. And hereuppon, if you bee desirous, (Brother Nicholas) to see what reasons they haue that perswade against second mariages, reade, amonge manye other, Fraunches Petrarch of Remedies for both fortunes the first booke and lxvj. Dialogue intituled of seconde mariage,

esteaunt issint certify per Leuesque, le prisoner perdera le benefite del clergie: Mes all cest iour, per force de le act fait en Anno 1. E. 6. cap. 12. cest nul plea, mes que il poet auer son clergie ceo nyent obstaunt.

Issint est Br. ti. Clergie Pla. 20. al mesme purpose. Et sur ceo, si vous estis desirous (Frere Nicholas) de voyer queux reasons ils ount que persuade enuers seconde Espousels, lege, enter diuers auters, Fraunces Petrarch de Remedijs vtriusque fortunæ le primer liū et lxxvj. dialogue entitled de secund' nuptijs,

quel

quel liuer ore tarde nr' frere mr' Thomas Twyne ad bien et oue bon grace (cõe ils que poient iudger dïont) tranſlate hors d'latine en Englois, et moult aptment appell ceo Phyſicke encounter fortune.

which booke nowe of late our brother maſter Thomas Twyne hath ben wel and wt good grace (as they y can iudge doe ſay) tranſlated out of latin into engliſh, and moſt aptly called it Phiſicke againſt fortune.

Blodewit.

BLodewit, hoc eſt quietũ eſſe d' Amerciamentis d' ſanguine fuſo, et que teneantur placita in curia veſtra et habeatis amerciamenta inde proueni-entia quia (wit) angl' miſericordia latine.

Blodewit.

BLodewit, that is to be quite of amercements for bloodſheding, & what pleas are holden in your court you ſhall haue the Amercementes thereof coming, becauſe (wit) in engliſh is Miſericordia in latine.

Boote.

BOote ẽ vn viel' pol et il ſignifie, helpe ſuccor, ayde, ou aduantage, et eſt com-

Boote.

BOote is an old word, and ſignifyethe helpe ſuccour, ayde, or aduauntage, and is commonly

monly ioyned with an other word whose significatiõ, it doth augemẽt as these brigbot, burghbote, firebote, hedgbot, plowbote, & diuers such like, for whose significations, looke in their proper titles.

Brode halpeny.

BRode halpeny (in sõe copies Bordehalpeny) that is to be quite of a certein custome erected for setting vp of tables.

Brugbote.

BRugbote (and in some copies Brigebote) that is to be quite of giuinge aide to the repairinge of briges.

Burghbote.

BUrghbote, that is to be quite of giuinge ayde to make a borough Cas-

munement ioint oue vn auter parol, qui signification il augment cõe ceux Brigboote, Burghboot, fireboot, hedgeboote, plowe-boote, et diuers tiels sẽblables, pur queux significations, voies en lour proper titles.

Brodehalpeny.

BRode halpeny (en asc's copies Bordehalpeny) hoc est quietum esse de quadam consuetudine exacta pro tabulis leuatis.

Brugbote.

BRugbote (et ẽ ascũs copies Bridgbote) hoc est quistum esse de auxilio dando ad reficiendũ pontes.

Burghbote.

Burghbote, hoc ẽ quietũ esse de auxilio dãdo ad faciẽd burgũ

Castrum, Ciuitatem vel muros prostrata.

tel,city or walles throwne downe.

Burghbrech.

BVrghbrech, hoc est quietum esse de transgressionibus factis in ciuitate vel burgo contra pacem.

Burchbrech.

BVrghbreech, that is to bee quite of trespasses don in Citie or borough against the peace.

Burgh Englisch.

BVrgh English ou Borow english est vn custome en vn auncient burgh, que si vn home ad issue diuers fits et moruſt, vncore le puisnes fits solement enheritera et auera touts les terres et tenements, que fuerent al son pier de que il moruſt seysie deyns mesme le burghe per discent, come heire a son pier per force de custome de mesme le burgh.

Burgh Englisch.

BVrgh English or borow english is a custome in soe auncient borough, that if a man haue issue diuers sonnes, and dieth, yet the yongest sonne onely shall enherit and haue al the landes & tenementes, that were his fathers whereof he died seysed wythin the same burgh by discent, as heire to his father, by force of the custome of the same.

L. Britton. 166. 165.

Burglary

Burglary.

BUrglary is when one breaketh and entreth into ỹ house of an other in the night with felonious intent to robbe, or kil, or to doe some other felony, in which cases, although he cary away nothing yet it is felony, for which he shall suffer death. Otherwise it is if it be in the day tyme, or that hee breake the house in the night, and enter not therin at that tyme.

But if a seruant will conspire with other men to robbe his master, and to that intent hee openeth his masters doores, or windowes in the night for them, and they come into the house by that way,

Burglarie.

BVrglarie est quant vn debruse et enter en le meason dun auter en le nuit, oue felonyous intent de robber, ou occider, ou de faire auter felonie, en queux cases nyent obstant il nemport riens, vncor' il est felony, pur que il serra pendue, Auterment est sil soit en le iour, ou que il debruse le meason en le nuit, et nentra pas en ceo a cest temps. Mes si vn seruãt voile conspire oue auters de robber son master, et a cel intent il ouert les doores et feneasters de son master en le nuit pur eux, et ils vyent en le meason per cest voye,

ceſt burglarie en les eſtraũgers, et le ſeruãt eſt vn laron, mes ne-my burglar'. Et c' fuit loppinion de le right woorshipful Sir Roger Manwood chiualer, plus digne ſeignior chiefe Baron de le Eſchequer, a le quarter Seſſions tenus en Caũterbury en Ianuarie darrayne. 1579. 21. Elizab.

this is burglary in the ſtraungers, and the ſeruant is a theefe but noe burglar: And this was the opinion of the right woꝛſhipfull Sir Roger Manwood knight, moſt woꝛthy Lorde Chiefe Baron of the Eſchequer at the quarter Seſſions holden in Caũterburie in Ianuarie laſt 1579. 21. Elizabeth.

Caruage.

CAruage, hoc eſt quiet ũ eſſe ſi dñs rex talliauerit totã terrã ſuam p carueas, Nota q̃ vn carue d' terre eſt vn plovve land.

Caruage.

CAruage, that is to bee quite if the kinge ſhall tare al his lãd oꝛ Carues Note that a Carue of land is a plowland.

Ceſſion.

CEſſion, eſt quãt vn Eccleſiaſtical perſõ eſt cree en Eueſqꝛ, ou quant vn perſon dun pſonage pſt vn auter bñfic' ſans diſpenſ. ou

Ceſſion.

CEſſion, is when an Eccleſiaſticall perſon is created biſhop, oꝛ whẽ a perſon of a perſonage taketh an other benefice without diſpenſation, oꝛ

other-

otherwise not qualified &c. In both cases, their first benefices are becõ void, and to those that he had who was created Bishop, the Quéne shal present for that tyme, whosoeuer be patron of them: And in the other case, the patron may present.

auterment nient qualifie &c. En ábideux caſes lour priñ bñfices ſont deuen⁹ void, et al ceux q' il ad que fuit cree Eueſq, le roigne pſentera pro illa vice, quicunq; ſoit patron de eux: Et en lauter caſe le patron poet preſenter.

Challenge.

CHallenge is where Iurours appeare to trie an issue, then if any of the parties suppose ỳ they are not indifferent, they may there Challenge and refuse them.

There be diuers challenges, one is challenge to the array, the other to the polles. Challenge to tharray is whẽ the panel is fauourably made by the sheriffe

Challenge.

CHallenge eſt lou iurours apperont pur trier vn iſſue, dõques ſi aſcun des pties ſuppoſont q' ils ne ſõt pas indifferent, la ils poient eux challenge et refuſe. Il y ad diũs challẽges, vn eſt challenge al array, lauter a le polles. Challenge al array eſt quant la panel eſt fauourablement fait par le vicõt

E.iij. ou

challeng to the pole

ou aut' officer. Challenge par le polis ſoūt aſcūs principal, et aſcū per cauſe come ils appel ceo. Principal ē quāt vn des iurrours eſt le fits, frere, ou coſin al pleintife ou defendant ou tenaunt a luy, ou q̄ il auoyt eſpouſe la file le playntife, et pur ceux cauſes il ſerra retrait.

Auxy in plee de mort de home et en cheſcun action reall et in actyons perſonel ſi le dette ou dammages amount a xl. marke il eſt bon challenge que il ne puyt diſpender xl.s. per an de frākt'.

Challenge p cauſe, eſt ou le party all' vn matter que neſt principal challenge, come que le fits dū desiur.

challenge by cauſe eſtraūt.

or other officer. Challenge by the poles, are ſome principal, and ſome by cauſe as they call it, Principal is whē one of the Jurours is the ſon, brother, or coſine to the plaintife, or defendaunt, or tenant to him, or ẏ he hath eſpouſed the daughter of the pleintife, & for thoſe cauſes hee ſhalbe withdrawen.

Alſo in a plee of ẏ death of a mā, & in euery other action reall, & in actions perſonall, if the debt or dāmages amount to xl. markes it is a good challenge that he cannot diſpende xl.s. by the yeare of free holde.

Challenge by cauſe, is where the party doth alledge a matter which is no principal challēge, as ẏ ẏ ſon of one of ẏ Jurours

rours hath eſpouſed the daughter of the pleintif, & then he doth cõclude & therfore he is ſo fauorable, which ſhalbe tried by others of thẽqueſt whether he be fauorable or indifferent, & if they ſay that he is fauorable and not indifferent, thẽ hee ſhalbee drawen out, otherwyſe hee ſhalbee ſworn. Alſo a felon that is arraigned may challenge xx. Iurrours parẽptory without any cauſe, & that is in fauour of life, & as many as hee wil with cauſe, but then it ſhalbe tried if for ſuch cauſe he be indifferent or not.

ad eſpouſe la fil' le pl'. & donqs conclude & pur ceo il eſt fauourable, quel ſerra trye per auter del enqſt ſi il ſoit fauourable ou indifferent, et ſi ils dient q̃ il eſt fauourable et nemy indifferẽt, dõ qs il ſerra treit, aut'mt il ſerra iure. Auxi vn felon q̃ eſt arraygne, puit challenge xx. iurrours parẽptory ſaũs aſcun cauſe, et ceo eſt in fauorem vitæ, et taunt que il voil' oue cauſe, mes donques il ſerra trye ſi pur tyel cauſe il ſoit indifferẽt ou nemy.

shall of the enquest.

peremptory challenge be taken by a felon in fauore vitæ.

Champertours.

Champertours be they ỹ moue pleas & ſuites, or cauſe to be moued by

Champertours.

CHampertours ſoũt ceux que mooua pleas et ſuites, ou cauſe deſte moue per

lour, ou auters pcure-mẽt, et ſue a lour coſta-ges et charges demeſ-ne, pur auer part del terre, ou gaines en va-riance.

own, or others procure-ment, & ſue them at their owne coſts to haue part of the land, or gaines in variance.

Charge.

CHarge eſt lou vn home graunta vn rent iſſant hors del ſõ terre, et q'ſi le rent ſo-it arere, que lyſt a luy ſes heires, et aſſignes a diſtrayne tanque le rent ſoit pay, ceſt ap-pell vn rent charge: mes ſi vn graunt vn rent charge hors del terre vn auter, & puis purchaſe le terre, le graunt eſt voide.

Charge.

CHarge is where a man graũteth a rent out of his grounde, and that if the rent bee behinde, that it ſhalbe lawfull for him his heires & aſſignes to diſtraine till the rent be paide, This is called a rent charge. But if one graunt a rẽt charge out of the land of an other, and after pur-chaſe the land, the graũt is voide.

Charters de terres.

CHarters de terres, ſont eſcripts, faits, euidẽces, et inſtrumẽts, fait de vn hõe a laut', ſur aſc' eſtat' cõueied

Charters of lands.

CHarters of lands, are writings, deeds, euidẽ-ces, & inſtrumẽts, made frõ one man to an other vpõ ſome eſtate cõueied

or

or passed betwene thē, of lands or tenemēts, shewing the name, place, & quantitie of the land, the estate, time, & maner of the doinge thereof, the parties to the estate delivered and takē, the witnesses presēt at the same with other circumstaunces.

ou passe perent' eux, d' terres ou tenūts, mr-ās l' nosm̄, lieu, et quātitie del terr', le estate, tēps, et maner del fesance de ceo, les parties al le estat' deliū et prise, les testemoignes present al ceo oue auters circumstaunces.

Chattels.

CHattels are in ij. sortz that is to say, Chattels Reals, and Chattels personals. Chattels Reals, are leases for yeares, wardes, and to holde at wil &c.

Chattels personals are al mouable goods, as money, plate, household stuffe, horses, kine, corne & such like.

Chattels.

CHattels sont en ij. sorts, cē adire, Chattels Reales, et Chattels psonals. Chattels reals, sount leases pur ans, Gardes, et a tener a volunt.

Chattels reall

Chattels personals sont touts moueables bns, cōe argent, plate, bns del measō, chiuals vaches, blees, et tiels sēblables.

Chattels psonall

Childewite.

Childewite.

Chose

CHildvvite, hoc est quod capiatis gersummam de natiua vestra corrupta et preignata sine licentia vestra.

CHildwite, that is ỳ you may take a fine of your bondwoman defiled and begotten wt̃ childe wt̃out your licence.

Chimin.

CHimen est le haut voy ou chesc'hõe passa, q̃ est appel via Regia, et vncore le Roy nad auter chose la, forsq̃ le passage pur luy & pur son people, car le franktenement est en le seigniour del sole et touts les ꝓfits croissaunt la, come arbres & auters choses.

Chimin.

CHimine is the hyghway where euery mã goethe, which is called via Regia, and yet the kynge hath noe other thinge there but the passage for hym and hys people, for the frœ holde is in the Lorde of the soyle, and all the profyte growinge there, as trees and other thinges.

Choſe en action.

CHose en action est quant vn home ad cause, ou poit port'vn action pur ascũ duity

Thing in action.

THinge in action, is when a manne hath cause, or may bringe an action for some duity

due

due to him, as an action of det vpon an obligation, annuity, Rent, Couenant, warde, goods, treſpas, or ſuch like. And becauſe they are thinges whereof a man is not poſſeſſed, but for recouery of them is driuen to his actiõ, they are called things in action, & thoſe thinges in action that are certen, the Quene may graũt, & the graũtee may vſe an actyon for them in hys owne name onely. But a common perſon cannot graunt his thing in actiõ nor the Quene her ſelfe cannot graũt her thing in actiõ which is vncerten, as treſpas & ſuch like.

due a luy, cõe vn acc' d' det ſur vn obligac', annuitie, rent, couenãt, garde, biens, trñs, ou tiels ſemblables, et pur ceo que ils ſount choſes de q̃ux vn hõe nẽ poſſeſſe, mes pur recouery de eux, é miſe a ſon acc', ils ſont appel choſes en accion. Et tiels choſes en acc', qui ſount certeine, le Roigne poit graũt, et le grauntee poet vſer vn action pur eux en ſon noſme demeſne tãtſoleñt: Mes vn cõmon ꝑſõ ne poet grãter ſõ choſe en acc', ne le Roygne ñ ne poet graũt ſa choſe en acc' le q̃l eſt vnct', cõe trñs & tiels ſemblables.

Circuit of action.

Circuit de action.

CIrcuite of action, is when an actyon is

CIrcuit de action, eſt quant vn actiõ é droitu-

droiturallment port pur vn duity, mes vnc̃ circũ le bush cõe ſẽble: pur ceo que il puit cybien eẽ auterm̃t reſpondu, et det'mine et le ſute ſaue, et pur ceo que m̃ le acc' fuit pluis que beſoigne, il eſt appel circuite de action, Cõe ſi home graũt vn rent charge de x. li. hors de ſon manor de dale, et puis le grauntee diſſeiſiſt le graunt' de m̃le maner de dale, et il port vn aſſiſe, et recoũ le terre et xx. li. dam', le q̃l xx. li. eſteant pay, le graũtee del rent ſue ſon acc' pur x. li. de ſõ rẽt due durant le tẽps de le diſſeiſin, le q̃l ſi nul diſſeiſin ad eẽ, il doit aũ evve. Ceſt appell circuit de action, pur

rightly brought for a du
tie: but yet about ỹ bu
as it were: for ỹ it mig
as well bene other w
aunſwered, and deter
ned, & that ſuit ſaued, a
becauſe that the ſame a
tiõ was more then ne
ful, it is called circuite
action. As if a man
graunt a rent charge
x. li. out of his manno
of dale, and after, t
grauntee diſſeiſe ỹ gra
tour of the ſame man
of dale, and hee bringe
an aſſiſe, and recouere
the lande and xx. li. dam
mages, which xx. li. bei
paied. the grauntee of t
rent ſueth his action f
x. li. of his rent due d
ringe the time of the d
ſeiſon, which if noe d
ſeiſin had bene, hee m
haue had. This is ca
led circuit of action, be
cauſ

ause it might haue bene noze shortly aunswered, for where as the graun- tour should receyue xx. li. dammages, and pay x. li. rent, he might haue re- ceiued but the x. li. onely for the dammages, and the grauntee might haue put of and kept backe the other x. li. in his handes by way of detayner for his rent, and soe there- by mought haue saued his action.

ceo que il puit auer este pluis briefement respondu, car ou le graũt doit receiue xx. li. dam', et pay x. li. rẽt, il puit aũ resceiue forsq̃ le x. li. tantsolement pur les dammñ, et le grauntee puit auer re- coupe et tenus arrere le aut' x. li. en ses mains per voy de detaiñ pur son rent, et issint per ceo puit auer saue sõ action.

detenor.

Claime.

CLaime is a challenge by any man of the pro- pertie, or owner shippe of a thinge which he hath not in possession, but which is with holden frõ him wrongfully.

Claime.

CLaime est vn chal- lenge p asc' hõe del progty ou ownership dun chose que il nad en possession, mes que est detaine de luy per tort.

Clergie.

CLergie is an auncy-

Clergie.

CLergie est vn aũci- ent

ent libertie del eſgliſe papiſicke, le quel ad auxy eſte confirme oue nous en dyuers parlyamentes, Et eſt quant vn preſter, ou vn deins holye orders (come ils appel ceo) ou aſcun auter quicunque, en que eſt nul impediment ou impoſſibilitie deſte vn preſter, eſt arraine de felony ou tiels ſẽblables deuãt vn tẽporal Iudge &c. et le priſoner pria ſon clergie, ceſt adire pur auer ſon liuer, quel eſt a taunt ſicome il vſt pree deſte diſmiſſe del temporal Iudge, et deſte deliuer al ordinarye de purger luy meſme del meſme ofſẽce. Ceſt priuilege al prim̃ ne fuit cy geñal,

ent libertye of the papiſtye Church, which hath alſo bẽene confyrmed with vs in dyuers Parlyamentes. And is when a prieſt, or one within holy orders (as they terme it) or any other whoeſoeuer, in whome is noe impedyment or impoſſibilitye to bee a prieſt, is arraigned of felonye or ſuch lyke before a temporall Judge &c. and the priſoner praieth his clergye, that is to ſaye, to haue hys booke, which is as much as if hee deſired to bee diſmiſſed from the Temporall Judge, and to bee deliuered to the Ordinarie to purge hym ſelfe of the ſame offence. This priuiledge at the firſte was not ſoe generall,

in respect of the parties that should take benefite thereby, as it afterwarde became to bee, for at the beginninge, beinge a popishe inuentyon the patrons thereof were very partial, and wolde not that any should reape commodity thereby, but their popish priestes only and such as were within orders, as aforesayed: and this arose amonge them, partlye through their great pride, disdaynninge to bee vnder the obedience of their natural kinges and temporall correctyon, and partelye of polycie, for shame lest the lende maners of their spiritualty, should come to the open vieww & examination of

en respect del parties que pendra benefite per ceo, come il apres deuient, Car al comencement esteant vn papish inuention les patrons de ceo fuerent molt partiall, et voylent que ascun prēdroit commoditie per ceo, mes lour papistical presters solemēt et tiels queux fuerent deins orders, come est auātdit: et ceo cōmēce ent eux, pur part per lour graund superbitie disdeynance dēe southe le obedience de lour natural Roies et temporall correctiō, et pur part de policie, pur hont ne le male maners de lour spiritualty doient vener al ouert vyewe et examynation del

laitie

layitie (cõe ils diſtin-
guish eux) et nul mer-
ueile, car deins vn pe-
tit de les priñ ans del
raigne le roy H. le 2.
le clergie del Realme
ad cõmit plus que vn
cent leueral murders
ſur ces ſubiects, cõe le
roy fuit certeinñt en-
fourme, ouſter moult
robberies et aut's out-
rages: pur remedy de
q̃l order fuit ewe per
le roy, ſõ nobilitie, et
oue grãd faire le cler-
gie conſent a ceo, que
ſi aſcun clerke de ceo
en auant commit fe-
lony ou treaſon, il
doet primer eſte de-
grade, et apres deliuer
al lay power de receiũ
la come a ſon offence
appient &c. al darr'en
fauor d' vie (vn choſe
deſte extend en diffe-

layetie (as they diſtin
guiſh them) & noe mer
uaile at al for wõn a few
of the firſt yeres of kin
Henry ỹ ſecõds raigne
the clergie of the Re
alme had committed a
boue one hundred ſeue
ral murders vppon hy
ſubiectes, as the king
was certenly informe
beſides many robberie
and other outrages, ſ
remedy whereof, ord
was taken by ỹ king, b
nobilitie, and wõ much
doe the clergie conſen
ted therto, ỹ if any cler
from thence forth com
mitted felony or treaſon
he ſhould firſt be degr
ded, and after warde de
uered to the lay power
there to receiue as to h
offence belonged &c. a
laſt in fauor of life (alth
to bee ſhewed indiffe
rentl

The grand yere of K. H. 8. Note yt the clergy had committed a hundred murders

By the clergy

rently to wards al mankinde) and for the loue of lerninge, it was graunted to al men that could reade, though they were neither prieſtes, nor wᵗ in orders. And ſince in parliament made vpon good conſiderations, it hath ben reſtreined and taken away in dyuers caſes, as in wilful murder, Burglary, and ſuch others.

rentment al cheſcun hões) et pur le amour de erudic', il fuit grãt al cheſc' home queux puiſſent lieſer, nõ obſtãt ils ne fuerẽt preſters, ne deins orders. Et puis en parliamẽt fait ſur bon conſiderations, il ad eſte reſtraigne et repeale en diuers caſes, come en vvilful murder, burglary, et tiels auters.

Clerke attaint. *Clerke conuict.*

Clerkes are in ii. ſorts, that is to ſay Clerkes attaint, & Clerkes conuict. Clerke attaint, is he which prayeth his clergy after iudgement gyuen vpon him of the felony, and hath his clergy allowed, ſuch a Clerke may not make his purgatiõ.

Clerke attaint. *Clerke conuict.*

Clerkes ſoũt en 2. ſorts, cẽ adire clerks attaint, et clerks conuict. Clerk attaint eſt ceſtuy q̃ pria ſon clergie apres iudg. ſur luy done de le felony, et ad ſon clergie allowe, tiel clerk ne poet fair' ſon purgation.

F.j. Clerke

Clerke conuict eſt ceſtuy que prya ſon clergy deuaunt iudgment done ſur luy de le felonye, et ad le clergy a luy graũt, tiel clerke poet faire ſõ purgation.

Clerke conuict is he which prayeth his clergy before iudgment given vppon him of the felony, and hath his clergy to him graunted, such a clerke may make his purgation.

Colour.

COlour, é vn fayned matter le q̃l le def. ou tenant vſe en ſon barre, quãt vn acc' de trñs, ou vn aſſiſe eſt port enuers luy, en le quel il dõe le demaũdant, ou pl' vn shew, prima facie que il ad bono cauſe de action, ou en verity il nẽ iuſt cauſe, mes tauntſolement vn colour, ou viſour dun cauſe. Et il é vſe al entent que le determination del action doet eſte per

Colour.

COlour, is a fayned matter which the defendant or tenant vſeth in his barre when an action of treſpas, or an aſſiſe is brought againſt him, in which he gyueth the demandant or plaintife a ſhewe at the firſt ſight that he hath good cauſe of accion where in troth it is no iuſt cauſe, but onely a colour and face of a cauſe: And it is vſed to the intent that the determynatyon of the accion ſhould bee by

the

the Iudges, and not by an ignorant Iury of xii. men. And therefore a colour ought to bee a matter in law or doubtfull to the common people, as for example. A. bringes an assise of land against B. and B. saith that hee hym selfe did let the same land to one C. for terme of life, and afterwarde did graunt the reuersion to A. the demaundaunt, and after C. the tenaunt for terme of lyfe died, after whose decease A. the demaundaunt claiming the reuersion by force of that graunt (whereto C. the tenaunt for life did neuer atturne) entred, vpō whom B. entred, against whom A. for ỹ entre bringes this

les Iudges, et nemy per vn ignorant iury de xij. homes. Et pur c' vn colour doet este vn matter en ley, ou difficult al lay gentes, come pur example. A. port vn assise de terre enuers B. & B. dit que il mesme lessa mesme le terre al vn C. pur terme de vie, et apres graunt le reuersion al A. le demaundant, et puis C. le tenaunt pur terme de vie moruſt, apres que decease, A. le demaundaunt claymant le reuersion per force del graunt (ou C. le tenaunt pur vie ne vnques atturne) entra, sur que B. entra, enūs que A. pur mesme entre port cest

assise &c. ceſt vn bon colour, pur ceo q' le ley gents pensant, q̃ le terre voile passe per le graūt sans atturnem̃t, ou en fait il ne voyle passe &c.

assise &c. this is a good colour because the comō people thinke that the land will passe by the graūt without attornement, where in deede it will not passe &c.

Auxi en vn actiō de trespas, colour doet este done, et de eux soūt vn infinit nūber, vn pur example: En vn action de trñs pur prisel de auers del pl', le defendaunt dit, que deuant le pl' riens auoit en eux, il mesme fuit possesse de eux come de ses proper biens, et eux deliuer al A. B. pur eux rebayler a luy quando &c. et A.B. eux done al plaintife, et l' plaintife suppose le propertie destre en A. B. al tēps del done, prist

Also in an accion of trespas colour must be geuen, and of them are an infinite number, one for example: In an accion of trespas for taking away of the playntifes beastes, the defendaunt saith, that before ỹ plaintife had any thing in the hee himselfe was possessed of thē as of his proper goodes, and deliuered them to A. B. to redeliuer them to him againe when &c. and A. B. gaue them vnto the plaintife, & the plaintife supposing the propertie to be in A. B. at ỹ time of the gift,

take

toke them, and the defendant toke them from the plaintife, whereupon the plaintife bringeth ỹ action, this is a good colour, and a good plea.

eux, et le defendaunt eux repriſt del pl', ſur q̄ le pl' port le action, ceſt vn bone colour et vn bone plea.

Colour of office.

COlour of office, is alwaies take in ỹ worſt part, & ſignifieth an act mal done, by the countenance of an office, and it beareth a diſſemblinge face of the right office, where as the office is but auaile to the falſehod & the thinge is grounded vpō vice, and the office is as a ſhadowe to it.

But reaſon of the office, & vertue of the office are taken alwayes in the beſt part, and where the office is the iuſt cauſe of the thynge, and the thynge is pur-

Colour de office.

COlore officij, eſt toutes dits priſe in malem partem, et ſignifie vn act malement fait per le coũtenance de vn office, et il port vn diſſimulant viſage del droit office, ou le office neſt que vegle del fauxitie et l'choſe eſt grounde ſur vice, et loffice eſt come vn ſhadowve al ceo.

Mes Ratione officij, et virtute officij, ſount pryſes toutes foytes in bonam partem, et lou l'office eſt l'iuſt cauſe del choſe, et le choſe eſt pur-

ſuant al office.

Colluſion.

COlluſiō eſt lou vn action eſt port vers vn auter per ſon agreement demeſne, ſi le pleyntife recouer, tiel recouerie eſt dit per colluſiō: et en aſcuns caſes le colluſion ſerra enquire, cōe en vn Quar' impedit, aſſiſe, et tiels ſemblables: Mes en auowry, ne en briefe dentre, ou aſcun action perſonall, le colluſiō ne ſerra enquire.

ſuing to the office.

Colluſion.

COlluſiō is where an action is brought agaynſt another by hys owne agreement, if the plaintife recouer, then ſuch recouery is called by colluſion: and in ſome caſes the colluſion ſhall bee enquired of, as in a Quare impedit, an aſſiſe & ſuch like: But in auowry, nor in a writ of entrie, or any accyon perſonall, the colluſion ſhall not bee inquyred.

Common ley.

COmmō ley, eſt pur le pluis part priſe 3. voyes. Primerment pur les leyes de ceſt realme ſimplie ſās aſcū aut' ley, cōe cuſtomarie ley, Ciuil ley,

Common law.

COmmon lawe, is for the moſt part taken 3. wayes, firſt for the lawes of this Realme ſimple without any other lawe; as cuſtomary lawe, Ciuil lawe,

Spiritual

Spirituall lawe, or Spiritual ley, ou quelwhatsoeuur els lawe cunq; auter ley ioyne ioyned vnto it, as when al ceo. Cõe quant il ẽ it is disputed in our laws dispute en nr'e leyes of England, what ought denglet're, quid doet of right to bee determy- de droit eẽ determine ned by the comon lawe, p le cõmõ ley, et quid and what by the spiri- per le spiritual ley, ou tuall lawe, or Admi- le court del Admiral, rales Court, or such ou tiels semblables. like.

Secondly it is taken Secondariment il ẽ for the kinges courtes, prise pur les courts le as the kynges bench, or roy, cõe le bank l'roy common place onely, to ou cõmõ place, tant- shewe a difference bee- solemẽt pur mr vn dif- tweene them and ỹ base ferẽce entre eux et les courtes, as Customary basecourts, cõe custo- courts, courtes barons, mary courts, courtes county courtes, pipow- barons, coũty courts, ders, and such like, as pipowders, et tiels sẽ- when a plea of land is blables, come qñt vn ple d' terr' est remoue remoued out of auncient hors de aũc' demn pur demeine, because the lãd ceo que le terre est is frank fée & pleadable franke fee, et pleda- at the cõmon lawe, ỹ is ble al cõmon ley, cest to say in ỹ kings court, adir' ẽ le court le roy,

et nemy en aunc' demeſne, ou en aſcũ aut' baſe court.

Tiercemẽt, et pluis vſualmẽt, p le cõmon ley eſt entendue, tiels leys que fuer' generalmẽt priſe, et tenus pur ley, deuant q' aſcũ eſtatute fuit fait pur alter ceo, cõe pur example. Tenant pur vie, ne pur ans, ne fuerent deſte punish pur feſance vvaſt al common ley, tanq; le ſtatute de Gloceſter. ca. 5. fuit fait le quel doñ vn action d' vvaſt enuers eux: mes tenant per le curteſie, et teñt en dovver, fuerount punishable de vvaſt al common ley ceſt adire, p le vſual, et cõmõ receiued leyes del realme, deuaũt le dit

and not in auncien demeſne, or in any other baſe court.

Thirdly, and moſt vſually by the comon law is vnderſtoode, ſuch lawes as were generally taken and holden for lawe before any ſtatute was made to alter the ſame as for example. Tenant for life, nor for yeares, were not to be punished for doinge waſt at the common lawe, tyll the ſtatute of Gloceſter. ca. 5. was made which doth giue an action of waſt againſt them: But tenant by the curteſy, and tenaunt in dower, were punishable of waſt at the common lawe, that is to ſay by the vſual and common receiued lawes of ỹ Realme, before the ſayd ſtatute

statute of Glocester was made.

statute de Glocester fuit fait.

Comon.

COmmon is the right ỹ a mã hath to put his beastes to pasture, or to vse & to occupy the groũd that is not his owne.

And note ỹ there be diuers comons, that is to say comõ in grosse, common appendaunt, common appurtenant, & comõ because of neighbourhod.

Common in grosse is where I by my dede graũt to an other that he shal haue cõmon in my lande.

Common appendaunt is where a man is seised of certaine lande, to the which hee hath common in anothers grounde, al they that shalbee seysed of that lande, shall haue

Comon.

COmon est le droit que hõe ad de mitter ses beastes a pasture, ou de vser et occupier le terre q̃ nest son proper sole.

Et nota q̃ sont diũs comons. s. comon in grose, comon appendaunt, comon appurtenaunt, et comon per cause de visinage.

Comon in grose est lou ieo per mon fayt graũt a vn auter que il aũa comõ in ma t're

Comon appendant est lou home est seysie de certeyne terre, a que il ad comon in aut' soile, et touts ceux que serront seisie del dyt terre aueront

le

Le dit common solement pur ceux bestes que compest sa terre a que il est appendant except oysons, chyuers, et porceaux.

Et touts iours cest common est per prescription, et de comõ droit, et il est appendaunt al terre erable solement, et nemy al auter terre ou measõ.

Comon appurtenãt est in ñ le maner cõe comon append', mesé ouesq̃ tants mañs des auers cibié porceaux, chiuers, et tiels sẽblabl' cõe chiuals, vaches boefes, brebes, et tiels q̃ compester le terre. Et tiel comon poit eẽ fait a cest iour, et poet eẽ seũe del t're a q̃ il est appurtenãt, mes issint ne poit comõ appẽd'.

the sayed common only for those Beastes which compeste that lande to which it is appendaunt except gẽse, gotes, hogges.

And alwaies this cõmon is by prescription of common right, and it is appendaunt to erable lande onelye, and not to any other lande or house.

Comon appurtenãt is in the same maner as common appendant, but it is wt al manner of beastes, as well hogges goates and such lyke, as horses, kyne, oxen, sheepe and suche as compeste the grounde. And such common may bee made at this day, and may be seuered frõ ẏ land to which it is appurtenant. but soe cannot cõmon appendãt.

Com-

Common by cause of neighbourhode, is where the tenants of two lords which be seised of two townes where one lieth nigh another, and euery of them haue vsed from ȳ time whereof no minde runneth to haue comē in the other towne, with al maner of beastes comynable.

But the one may not put his cattel in ȳ others ground, for so they of the other towne may dystreine thē damage fesāt, or may haue an action of trespas, but they may put thē into their owne feldes, & if so they straie into the feeldes of the other towne, they there ought to suffer thē. And ȳ inhabitāts of ȳ ou towne ought not to put in as many beastes as they wil,

Comon per cause de visinage, est lou les tenants de deux seignś q' sont seisies de deux villes dont lū gist pris lauter, et chesc' de eux ont vse de tēps dont memorye, ne court de auer common en auter vylle ouesque toutes beasties cominable.

Mes lū ne poit mit ses auers en le terre lauter car la ceux de lauter ville poient ux distr' dammage fesant, ou auer action detīs, mes ils eux mitteran en lour camps dem̄, et sils estraye en les camps del auter ville, ils la doient eux sufferer. Et les inhabitaunts de lun ville ne misterount eyns taunts come ils voile,

mes

mes aient regarde al frankteñt del inhabitants de lauter ville car auterm̃t il ne soyt bon vicinitie, sur que tout ceſt matter depende.

but hauinge regarde to inhabitants of the oth townes, for other wise were noe good neighbo hode, vppon which thys matter dothe de pende.

Condition.

CONditiõ eſt vn reſtraint ou bridle annexe et ioine al choſe, iſſint que p le non performance et feſans d' ceo le party al condiõ recoũa p̃iudice et pde et per le parformance et faire d' c', comodity et auantage.

Et touts condic'ſõt ou cõdic'actual et expreſſe, queux ſont appel condic'en fait, ou ils ſõt condic'implicite ou tacite, et nient expreſſe, les q̃ux ſont appels conditiõs en ley.

Condition.

CONditiõ is a reſtraint or bridle, annered, and ſoyned to a thing, ſo that by ỹ not performance or not doinge thereof, the party to ỹ condition ſhall receiue p̃iudice & loſſe by the performance and doing of ỹ ſãe, cõmodity and aduantage.

And al conditiõs are either conditions actuall expreſſed, which be called conditions in deede, or els they be cõditiõs implied or couert & not expreſſed, which are called conditions in lawe.

Alſo

Also al condicions are either conditions precedent and goinge before the estate and are executed, or els subsequent & following after ỳ estate & executorie.

Auxi touts conditions sount ou condic' precedent et vaount deuaũt lestate et soũt execute, ou subsequẽt et veniẽs apres lestate et executorie.

The condicion precedent, doth gaine & gette the thing or estate made vppon condicion by the performance of ỳ same.

Le condition precedent, fait gaine et obtaiñ le chose, ou estat' fait sur condic' per le perfourmance de m̃.

The condicion subsequent, doth kæpe & continue the thing or estate made vpon condiciõ, by ỳ performance thereof.

Le conditiõ subsequent fait gard et cõtenue le chose, ou estate fait sur conditiõ p̃ le performáce de c̃.

Actual and expressed condition, which is called a condition in dœde: is a condition knit & annexed by expresse wordes to the feoffement, leas, or graunt either in writing or vvout writinge, as if I enfeffe a man in lands reserving rẽt to be

Actual et expresse condition q' est appel vn condic' en fait, est vn cõdic' knit & annexe p̃ expresse pols, al feoffemẽt, leas, ou grãt ou en escript, ou saũs escript, Sicõe ieo enfeffe vn hõe en terres reseruant rẽt deste

pay

pay a tiel feaſt ſur cõ-
dic. q' ſi le feoffee faile
de payment al iour, q̃
donques il ſerra loyal
pur moy de reenter.

Conditions impli-
cite ou tacite, et nient
expreſſe q̃ux ſont appel
condic' en ley, ſõt q̃ñt
vn hõe grãt al aut' le
office deſte gard' dun
parke, Seneſchal, Bedle,
baylife, ou tiels ſẽbla-
bles, pur terñ de vie,
et nient obſtãt que la
ne ſoit aſc' condic' ex-
preſſe en l'. graũt, vnc'
le ley p̃ le couertment
dũ condic', le q'l eſt q̃
ſi le grauntee ne exe-
cute pas touts points
appartainãt al ſõ offic' p̃
luy m̃ ou ſõ ſuffic' de-
pute, dõq̃ il ſerr' loyal
pur le grãtor dent' et
diſch. luy de ſon of-
fice. Cõdition prece-
dent et vaant deuant

paied at ſuch a feaſt tyõ
conditiõ that if the feof-
fee faile of payment at
the day, ẏ then it ſhalbe
lawful for me to reẽter.

Condition implied q̃
couert & not expreſſed
which is called a condi-
tion in lawe, is when a
man graũteth to one the
office to be keeper of a
parke, Steward, Bedle
Bailife, or ſuch like, for
terme of life: & though
there be no condition al
al expreſſed in ẏ graunt.
yet ẏ lawe ſpeaketh co-
uertly of a condicion,
which is that if the gran-
tee doe not execute all
points apperteininge to
his office by himſelfe or
his ſufficiẽt deputy, thẽ it
ſhalbe lawful for ẏ grã-
tor to enter & diſcharge
him of his office. Cõditiõ
precedẽt & goinge before

is

is when a leas is made to one for life vpon condition that if the lessee for life, will pay to the lessor xx.li. at such a day ỳ then he shall haue fee simple: here ỳ conditiõ p̄cæd̄s & goeth before the estate in fee simple, and vppon the performaunce of the conditiõ, doth gaine and get the fee simple. Condition subsequent & following after, is when one graunts to I.S. his maner of dale in fee simple, vpon condition, that the graũtee shal pay to him at such a day xx.li. or els ỳ his estate shal cease, here ỳ cõdition is subsequẽt & following ỳ estate in fee simple, and vpon the performaunce thereof, doth kepe and contynue the estate.

Confiscate goodes.

ẽ q̃nt vn leas ẽ fait al vn pur vie sur cõdic' que si le lessee pur vie voile paye al lessour xx.li. a tiel iour q̃ dõques il aũa fee simple: Icy le condic' precedat et va deuaunt le estate en fee simple, et sur le performance de le condic', gayñ et get le fee simple. Condic' subsequẽt et veniẽs apr̃s est q̃nt vn graunta al I.S. son mañ de dale en fee simple sur condition, q' le grauntee paiera a luy a tiel iour xx.li. ou autrement q̃ son estate cesser a, icy le conditiõ est subsequent et sequerens le estate en fee simple, et sur le performance de c', fait garde et continue le estate.

Confiscate biens.

Con-

COnfiſcate bñs, ſont bñs al queux le ley entitle le Roine, quãt ils ne ſont pas clayme per aſc' auter. Come ſi home ſoit endite que il feloniſeñt emblea les biens de I. S. lou en verity ils ſont ſes bñs dem', et ils ſount miſes en court vers luy come maineur, et don' il eſt dd' q'il dit al ñs les bñs, et il eux denie, ore per cẽ denier de eux, il pdra ceux biens, coment q̃ apres il ſoit acquite del felony, et iſſint en aut's ſemblable caſes.

COnfiſcate goodes goods to which ỹ law intitleth the Queene when they are not claymed by any other. As a man be indited that he felonioully ſtole the goods of I. S. where in truth they are his owne goods and they are brought into the court againſt him as a maineur, and then is demaunded, what he ſaith to thoſe goodes, and he denieth thẽ, nowe by this denyinge of them he ſhal loſe thoſe goodes although that afterwards he be acquited of the felony, and ſo in other like caſes.

Contract.

COntract é vn bargen ou couenant p enter ij. parties, ou vn choſe eſt don pur auter q̃ eſt appel quid

Contract.

COntract is a bargaine or couenant betweene two parties, where one thinge is gœuen for an other which is called quid

pro

pro quo, as if I sell my horse for money, or if I couenant to make you a lease of my manner of Dale in consideration of xx.li. that you shal give mée, these are good contracts because there is one thinge for an other. But if a manne make promise to mée that I shall haue twenty shillinges, and that he will be debtour to mée therof, and after I aske the xx.s. and he will not deliuer it, yet I shall not haue any accyon to recouer this xx.s. for that, that thys promise was no contract but a bare promise, and ex nudo pacto non oritur actio, for although if any thing were giuē for ỳ xx.s. though it were not but to ỳ value

pro quo, cõe si ieo vēd mon chiual pur argēt ou si ieo couenant de faire lease a vous de mõ mañ de dale ẽ cõsiderac' de xx.li. q̃ vo⁹ dones a moy, ceux sõt bon cõtracts, pur ceo q' il ad vn chose pur auter, mes si vn home fait ꝓmise a moy que ieo auera xx.s. et que il voyle este dettour a moy de c̃, et puis ieo demaund le xx.s. et il ne voile a moy deliuer, vncore ieo nauera iammes action pur recouer cest xx.s. pur ceo que cest promys ne fuit contract, mes nudus pactus, Et ex nudo pacto non oritur actio, mes si aſcun chose fuit done pur le xx. s. mesque il ne fuit forsque al value

de vn denier, dõques il fuit bone contract.

Conusance.

Conusaunce de plee est vn priuiledge que vn citie ou ville ad del graunt le roy, de tener plee de touts contractes, et des terres deyns le preeinct del fraunchises: et quãt aſqũ home eſt impled' pur aſcun tiel choſe en le court de roy, les maires ou bailifs d'tiels fraches, ou lour att' poiẽt dd'er conuſance del plee.s. que le plee et le matt' ſerra pled' et determine deuaunt eux:

Mes ſi le Court al Weſtminſter ſoit loialment ſeiſie del plea deuaunt que conuſaunce ſoit demaund, dõques ils naueroũt

of a peny, then it had bin a good contract.

Conusance.

Conusaunce of plee, is a priuiledge that a citty or Towne hath of the kinges graunt to holde plee of all contracts, and of lands within the precinct of the fraunchise: and whẽ any mã is impleaded for any ſuch thyngs in the Court of Weſtminſter: the Maior and bayliffes of ſuche fraunchyſes or their attorney may aſke conuſaunce of the plee, that is to ſay, that the plee & the matter ſhalbee pleaded and determined before them: But if the Court at Weſtminſter be lawfully ſeiſed of the plee, before conuſance be demaunded, then they ſhal

not

not haue conusance for ỹ
saite, because they haue
negligẽtly surceased their
time of demaund, but
this shalbee no barre to
them to haue conusance
in an other accion, for
they may demaũd conu-
sance in one accyon, and
omit it in an other acci-
on at their pleasure.
And note that conusance
lieth not in prescription,
but it behoueth to shewe
the kinges letters.

conusaunce pur ceſt
ſuit, pur c' que ils oũt
negligentmẽt ſurceſſe
lour temps d' demãd,
mes ceo ne ſerr' barre
al eux daũ conuſance
en aut' action, car ils
poyent demaund co-
nuſance en vn actiõ,
et omit ceo en auter
action a lour pleaſur'.
Et nota que conu-
ſance ne giſt en preſ-
cription, mes ils couï-
ent monſtre letters le
roy.

Corody.

CHoode, was a reaso-
nable allowaunce of
Meate, breade, Drinke,
money, clothinge, Lod-
ging, and such like sus-
tenance, which of comon
right euery founder of
Abbeies, Priories, Nũ-
ries, & other houses of re-
ligiõ, had in ỹ same house

Corody.

CCorody, fuit vn rea-
ſonable allowãce d'
meat, pañ, boier, argẽt
veſtamẽts, loggis, et ti-
el ſuſtenance, q̃ de cõ-
mon dr't cheſc' foũd'
de Abbeis, Priories,
Nũries, et aut's meaſ.
de religion papiſtick,
oũt en mis les meaſõs

quant ils fuerent, pur ſon pier, frere, coſin, ou auter home que il voyet, prendroit ceo, ſil fuit vn meaſon de moygnes, et ſil ſoyt founder dun meaſon de Nũnes ou muliers, donq̃s c'pur ſa meere, ſoer, coſin, ou aut' mulier q' il voile direct al ceo, et touts iours ceſt prouiſo fuit ewe, q' il que ad corodie en vn meaſõ de moignes, ne doit mittre vn fẽe de prender ceo, Ne ou corodie fuit due ẽ vn Nũry, la il ne fuit loial de appoynter vn home d' receiuer ceo, car en ambideux caſes, tiel preſentation fuit deſle reiect. Et cẽ corody fuit due cybñ al vn cõmon p-ſon qui fuit founder

whẽ any were ſtãding, for his father, brother, coſin, or other man that he wolde appoint ſhould take it, if it were a houſe of Monkes, and if hee were founder of a houſe of Nuns, or women, the the ſame for his mother Siſter, Coſin, or other woman that hee would direct thither. And alwaies this was prouided for that hee that had Cozody in a houſe of Monkes, might not ſet a woman to take it: for where Cozody was due in a Nunry, there it was not lawful to appoint a man to receiue ẏ ſame, for in both caſes, ſuch preſentation was to be reiected.

And this Cozody was due, as well to a cõmon perſon ẏ was founder, as

as where the kinge him selfe was foundor. But where the house was holden in frankalmoign there the tenure it selfe was a discharge of Corody against al menne, except it were afterward charged voluntaryly, as when the kinge would send his writ to the Abbey for a Corody for suh a one whō they admitt, there the house should be charged for euer whether the kynge were foundor or not.

ficōe ou le roy m̄ fuit founder. Mes ou le meason fuit tenus en frankealmoygne, la le tenure m̄ fuit vn discharge de corodie encounter touts homes, Sinon il fuit aps charge voluntarimēt, come ou le roy voet mister son br'e al Abbey pur vn corodie pur vn tiel, le quel ils admit, la le meason doet eē charge a touts iours si l'roy soit foūdor, ou nemy.

Crowner.

CRowner is an auncient officer of trust and of great authoritie, ordayned to be a principal conseruator, or keeper of the peace, to beare recorde of the pleas of the Crowne, and of

Coroner.

CCoroner est vn auncīēt officer de trust et de graund auctho-ritie, ordeine deste vn principal conseruat', ou gard' de la peace, a porter recorde des plees del corone, et de

ſon view demeſne, et de diūs auters choſes, mult en number, &c. Mes al ceſt iour, ou le auctho̅rity d'l Coro-ner nē cy grand, ſicōe en auncient temps il fuit, per que loffice nē ewe en ſemblabl' eſti-mac'. Ou autermēt le viſcount et ils q' oūt auctho̅ritie de elect le coroner ne ſount cy careful ſicome ils doi-ent eē en lour electiō, et pur ceo il eſt a ore tantoſt deuenus arer' al meſme l' point, que il fuit en temps le roy Edvvarde le primer, quaunt ceſt ſtatut ſe. quēs fuit fait. Pur ceo q̄ petits gēts & meins ſages ſoient eſſius ore de nouel cōmunelm̄t al offic' del coroñ, et meſtier ſerroit q̄ pdes

his owne ſight, and o-thers other things ma-ny in number, &c. But at this day, either ỹ au-thozitie of the Cozoner is not ſo great, as in fozt tyme it was, wherebỹ the office is not had in like eſtimation: Dz els the Shirife and thoſe ỹ haue auctho̅zitie to chooſe the Cozoner are not ſo careful as they ſhould be in their election: & there-foze, it is nowe almoſt come agayne into that plight, that it was in king Edward the firſts daies, when this ſtatute followinge was made. Fozaſmuch as meane menne and vndiſcreete nowe of late are com-monly choſen to the office of Cozoner where it is requiſite that wyſe men,

men, lawfull, and able shoulde occupie such offices: It is prouided that through all Shires sufficient men shoulde bee chosen to bee coroners out of the most wyse and discreetest knightes &c. And although the letter of this statute be not precisely obserued: yet at the least the entend should be followed as nigh as might bee, that for the default of knights Gentlemen furnished with such qualities as the statute setteth downe (of whych sort there bee many) might be chosen: with this addicion that they be vertuous & good knowne Christians.

homes, loyals, et sages, se entermellent de cel offic': Puruiew est, que per touts les counties soient eslues suffisantes homes coroners, des plus loyals et plus sages chyualers &c. Et nyent obstant le letter de cē estatute ne soyt preciſement obserue, vncore al meynes le entent doyt este sequor cy pres come poet que pur le defaut de chiualers, Gentle homes furnish oue tiels qualities sicōe le estatut mise (d' que il y ad diūs) poiēt este eslieu, oue ceſt addic', que ils soient vertuous, et bō conus christians.

Corporation.

CORporation is a permanent thing ỹ may

Corpsration.

CORporation est vn chos' pmanēt q̄ poet

auer ſucceſſion : Et en vn aſſembly et ioining enſemble de diuers en vn felowship fraternitie , et ment, d' que vn eſt l' Teſt et principal, l's auters ſõt le corps, et cẽ Teſt et corps ioint enſemble, ſount le corporac'.

Et de corporations aſcuns ſount appels ſpiritual, et aſcuns tẽporal, et de ceux que ſont ſpirituall, aſcuns ſont corporations de mort perſõs en ley, et aſcuns auterñt, et aſcuns ſont per auctoritie del Roy ſolemñt, et aſcũs ount eſte dun mixt auctority. Et d' ceux q̃ux ſõt tẽporall aſcuns ſount per auctoritie d'l roigñ auxi et aſcũs p̃ le common ley del realme,

haue ſucceſſion: And is an aſſembly and ioining together of many into one fellowſhipp, brother hode and minde, where of one is hedde & cheefe, the reſt are the body: & this hedde & body knitte together make the corporation.

And of corporatyons ſome are called ſpiritual, and ſome temporal, and of thoſe that are ſpirituall, ſome are corporations of dead perſons in lawe, and ſome otherwiſe, and ſome are by auctoritie of the kynge onely, and ſome haue byn of a mixt auctoritie, and of thoſe that are temporal ſome are by auctoritie of the kynge alſo, and ſome by the common lawe of the Realme.

Corporation

Corporation spiritual, and of deade persons in lawe, is where the corporation consisteth of an Abbot, and Couent, and these had beginninge of the kinge and the man of Rome when he had to doe here.

Corporation spiritual tual, et de mort psons en ley, est lou le corporation consist dun Abbey et Couent, et ceux ount lour commencem̃t del roy, et le home de Rome, quãt il ad a faire cy.

Corporation spiritual and of able persons in lawe, is where the corporation consisteth of a Deane and chapter, and his corporation had beginninge of the Kynge onely.

Corporation spiritual et de able persõs en ley, est lou le corporation consist dun deane et chapter, Et ceste corporation ad commencement del roy solement.

Corporation Temporal by the king, is where there is a maier and cõminalty.

Corporation Temporal per le roy est, lou est vn mair et cõminaltie.

Corporation Temporal, by auctheritie of the cõmon law, is the assible in parliament, which cõsisteth of the Queene, the heade of the corporation,

Corporation temporal, per auctheritie del common ley, est le assẽblie en pliamẽt, le q̃l cõsist del roiñ, le teste del corporation

et

et del ſñrs ſpiritual et temporal, et de les cõmõs del realm̃, l'corps del cõporac'.

and of the Lordes ſpiritual and temporal, and the comons of ỹ realme, ỹ body of ỹ cõporation.

Corps politike.

COrps politike ſont Eueſques, Abbes, Priours, Deans, Perſon dun eſgliſe, et tielx ſẽblables q̃ux ont ſucceſſion.

Bodies politike.

BOdies politike are Biſhops, Abbots, Priors, Deans, perſõ of a church and ſuch like which haue ſucceſſion.

Corruption de ſangue.

COrrupc̃ de ſãgue eſt q̃n le peere eſt attaint de felony ou treaſon, donq̃ ſon ſãgue eſt dit deſte corrupt, per reaſon de q̃l ſes enfants ne poyent eſte hr's a luyne a aſc̃ auter aunceſter. Et ſil fuit noble, ou gentle hõe deuant, il et touts ſes enfants p ceo ſont faits ignoble et vngentel eyant regarde

Corruption of Blodde.

CDzruption of blodde is when the father is attaynted of felonye or treaſon, then his blodde is ſayed to be corrupt, by meanes wherof his chyldren cannot be heires to him nor to any other anceſtour. And if hee were a noble man or gentleman before, hee, and al his chyldren thereby are made vnnoble & vngentle, hauinge regarde

to

to the nobilitie or gentrye that they clayme by their father; which cannot bee made hole againe without authority of parliament.

al nobility ou gentrie q' ils claime per lour pier, quel ne poit eſte ſane arrere ſans auc-thority del parliam̃t.

Couenant.

COuenaunt is an agrœment had bœwœne two perſonnes, where euery of them is bounden to the other, to parfourme certeyne couenauntes for hys parte.

Couenant.

COuenant eſt vn agreement fait per enter ij. perſons, lou cheſcun deux eſt tenus al auter, de perfourmer certeine couenauntes pur ſon parte.

Couerture.

COuerture, is when a man & a woman are maried together: Nowe the tyme of the contynuance of this mariage betwene them is called couerture, and the wife is called a woman couert.

Couerture.

COuerture, eſt quãt vn hõe et vn fẽe sõt eſpouſe: Ore le temps de le continuance de ceſt mariage perenter eux, eſt appel couerture, et le femme eſt appel vn feme couert.

Couin

Couin.

COuin eſt vn ſecret aſſent, det'mine en les ceurs de deux ou pluſors, al preiudice dun auter: Come ſi t'pur t'me d'vie, voile ſecretment conſpire oue vn auter, que lauter recouera vers le t'pur vie, le terre que il tient &c. en preiudice de celuy en le reuerſion.

Couin.

COuin is a ſecret aſſent, determined in the hartes of ij. or mor. to the preiudice of any other: As if tenaunt for terme of life, will ſecretly cõſpire with an other, that ỹ other ſhal recouer againſt the tenaunt for lyfe the lande which hee holdeth &c. in preiudice of him in the reuerſion.

Counterplea.

COunterplee, ẽ lou vn port vn actiõ, et le tenaunt en ſon reſpons, et plee vouche ou appell pur aſcun home, pur garraunt ſon tytle, ou prayer ayde de auter que ad meliour eſtate, come

Counterplea.

COunterplee, is when one bringeth an action, and the tenaunt in his aunſwere and plea, voucheth or calleth for any manne to warraunt his title, or praieth in aide of an other, which hath better eſtate then hee, as

g'

of hym that is in the reuerſion, or if one that is a ſtraunger to the action, come and pray to bee reſceyued to ſaue his eſtate, if the demaundaunt reply thereto, and ſhew cauſe that he ought not to vouche ſuch one or that hee ought not of ſuch one to haue ayde, or that ſuch one ought not to bee reſceyued, this plee is called a counterplee.

de ceſty en la reuerſion, ou vn eſtraunge al actyon vyent & prayera deſte reſceu de ſauer ſon eſtate: ſi le demaund' replye a ceo et mõſter cauſe que il ne doyt tyel home voucher, ou que il ne doit de tiel home ayde auer, ou que tiel home ne doit eſte reſceu, ceſt plee eſt appel vn counterplee.

Cinque portes.

CInque portes, be certein hauen townes, fiue in number, to which haue bene longe ſince, graunted manye libertyes (that other porte Townes haue not) and that firſt in the time of king Edward called ỹ cõ-

Cinque portes.

CInque portes, ſont certen hauen villes, cinque in nũber, as queux ad eẽ graunt lõge tẽps paſſe mults libertyes (que autres port villes nount) et ceo primerment en le temps del Roy Edwarde appel le confeſ-

fessor (q' fuit deuãt le
conquest) et fuer' en-
crease aps, et c' espe-
cialm̃t en les iours de
les deux Ed. l'prim̃, et
2. (aps l'cõqst) cõe ap
pt en l'liu d Doomes-
day et aut's viels mo-
nu'ts q̃ux en cẽ lieur
eẽants haut tedious d'
cit', ieo entende frere
N. d'omit, et mise vo⁹
cy le copy de vn auc'
rec' en frãcois, le q̃l
worshipful, nr' louing
et bõ pier, mouſier I.
Twine, de Caũt' dõe
a moy hors de son liu
appel W. Biholt, asc'
tẽps vn moigne de le
Abbey d' S. Augustin
en que vous scauois
que fuer' auncienmẽt
accõpt le Cinks ports
et lour members, q̃ux
seruices ils deuoient,
ou lour court doit eẽ
ten⁹, deuãt q̃, et d' q̃ux

confessor (who was be-
fore ỹ cõquest) & hath be
encreased since chiefly in
ỹ daies of ỹ ij. Edwards
the first, & second (since ỹ
conquest) as appereth in
the booke of Domesday, &
other olde monuments,
which in this worke be-
inge to longe to cite ỹ
meane bro. M. to omit, &
set you here to wne ỹ co-
py of an auncient record
in frẽch which ỹ worsh-
full, our louing and very
good father master Iohn
Twine of Caunterbury
gaue me out of his booke
called Wil. Biholt, some-
time a monck of ỹ abbey
of Saynt Augustines,
wherein you shal learne
which were aũciẽtly ac-
cõpted ỹ v. ports, & their
members, what seruic-
ces they owe, where their
court ought to be kept, be-
fore whom, and of what
mat-

matters they may hold plee, wᵗ such like worthy to be noted, & thereby you shal perceiue also ỹ ỹ olde rude verse doth falsly name ỹ v. ports, in reckninge them vp after this sort: Douer, Sandwicus, Rye, Rūney, Frigmareuentus, Douer, Sandwich, Rie, Rumney, Winchelsey which is met by Frigmareuētus which reioyde I will englishe as well, as my smale skil in ỹ olde french will geue me leaue. And thus it is.

choses ils poient tener plea, oue tiels semble digne dēe conus, et p ce vous entendes auxi q̄l le viel rude verse fait faux nosme de les v. ports e nosm̄ eux solonc cō man, Douer, Sādwicus, Rie, Rumney, Frigmareuentus, Douer, Sandvvich, Rie, Rūney, Winchelsey, q̄ est entend Frigmareuentus &c aq̄l reio cordie o voile englois cib̄ come mon petite sciēce en cē viel frēch voile dōd a moy cōge. Et ifnot il est.

These are the chiefe townes of the Cinque ports.
1 Hastinge. 2 Romney. 3 Hethe 4 Douer. 5 Sandwich.
The members of the ports of Hastinge are these.
1 Pevenese. 2 Bolewarebeth. 3 Petite James. 4 Bekelbourne. 5 Grenethe. 6 Rie. 7 et Winchelse.

Ceux sont les chiefe villes des Cinkes ports.
1 Halting. 2 Romeney. 3 Hech 4 Douer. et 5 Sandwich.
Les members del port de Halting sont ceux.
1 Pevenese. 2 Bolewarebeth. 3 Petite Iames. 4 Bekelbourne 5 Grenethe. 6 Rie. et 7 Winchelse.

Some adde to these the Sealhoze in Sef-

Aucuns adde a ceux le mere banke e Sef-

ford

ford, Hideney, et Nor
thie.

Le chiefe port de Hastinge oue les mēbres auant dits deuient trouer au Roy de an en an, si mestre soit per meere vint et vne nefes. Ceo est a sauoir, la ville de Hastinge ij. nefes, la Petienefe vne nefe, wole worchetie et Petite Hame vne nefe, Bekesbourne vne nefe, Greneshe ij. homes, oue deux armours oue ceux de Hastinge La ville de Rye v. nefes, la ville de winchelsee x. nefes.

La membres del pt de Romenal sōt. 2. 1. *Vien Romenal, et* 2. *Lyde.*

Aſcuns adde al ceux Prot mhel, Oſward-

ford, Hydeney, and Rothye.

The chiefe port of Hastinge, with the members aforesaid ought to finde to the kinge from yere, to yere, if neede be, vppon the sea twenty one shipes: That is to say the towne of Hastinge three shipes, Petenefe one shippe, wole worchetye and Petite Hame one shippe, Bekesborne one shippe, Greneshe ij. men with two armours, with them of Hastinge, The Towne of Rye five Shippes, the Towne of Winchelsee ten shippes.

The mēbres of ỳ port of Romney are. 2.

1. Olde Romney, and
2. Lyde

Some adde to these, Prouthell, Oſward-

ſton

ſtone & Denge Marreis, Romney with the afore ſaid members, oweth to the kinge as is before ſaid fiue ſhippes, where of Lyde oweth one ſhip, The port of Heth with the member weſt Heth, ought to finde fiue ſhips to the kinge as is afore ſayde.

ſtõe et denge marreis Romenal oueles auãt dits members deuient a roy come auant eſt dit 5. nieſes, dount Lyde doit vn nief. Le port d'Hethe oue ſon mẽbre vveſtheth deuient troũ 5. nieſes au roy, cõe auãt ẽ dit.

The members of the port of douer are theſe.

1. *Folkeſtone, &*
2. *Fauerſham.*

Sõe adde Mercgate &c.

This part of Douer, with the afore ſaid mem bers, ought to find to the kinge. 21. ſhippes, that is to ſay, Douer 19. ſhips Folkeſtone one ſhipe, & Fauerſham one ſhip.

The members of the port of Sandwich are theſe.

Les mẽbers d'l port de Douer ſoũt ceux.

1. *Folkeſtone, &*
2. *Feuerſham.*

Aſcũs adde Meregate &c.

Meſme cel port de Douer, oue les auãt-dits mẽbers doit troũ au roy 21. nieſs, ceo ẽ a ſcauoir Douer xix. nieſes, Folkeſtone vn nefe, et Fauershã vn nieſe.

Les mẽbers del port de Sandvvyz ſount ceux.

1. *Stoner.* 2. *Forwich,* 3 *Dale.* 4 *Seire.*

Aſcuns adde Reaculure.

Meſme cel port de Sandwich oue les mẽbers auauntdits doyt troũ en ſeruice le roy come auaunt eſt dit v. nieſes.

Summe lvij. nieſs.

Quant le roy vodra auer ſon ſeruice des auauntdits nieſs, ils aueront xl. iours de ſũmons, et ils troueront au roy en cheſcũ nief xx. homes, et le maſtr' byen arme, et byen atire pur faire le ſeruice le roy.

Et irrount les nieſes en proper coſtages des cynke ports la ou eux ſerrount ſũmons.

Et quant les nieſs ſer-

1. *Stonor.* 2. *Fordwich,* 3. *Dale.* 4. *Seire.*

Sõe adde Reaculure.

This port of Sandwich, with the membrꝛ afoꝛeſayd, ought to find in the kinges ſeruice as is beſoꝛe ſayde, fiue ſhippes,

Some lvii. ſhippes.

When the king would haue his ſeruice of the afoꝛeſaid ſhips, they ſhal haue xl. dates ſũmons, & they ſhal find to ẏ king in euery ſhip. 20. men, and the maſter wel armed, and well appoynted to doe the kynges ſeruice.

And the ſhippes ſhal goe at the pꝛoper coſtes of the Cinque poꝛtes thither whether they ſhalbe̅ ſummoned. And when the ſhyppes are thither

thither come, they shall continue xv. daies in the kinges seruice, at the proper costes of the Cinque portes. And after the 15. dayes are past they shalbee at the charges of the kinge: if hee haue any thing for thē to doe.

The maister of the ship shall take fiue pence a day, the Constable fiue pence, and euery of the other mariners three pence.

And it is to be knowē that the court of Shipwaye, which is the chief court of ỳ Cinque portes where euery Maior of euerie port, or 12. 10. 6. or 4. and the Maior of euerie port as they by letters of the warden of the Cinque portes

rount la venus, eux demurront xv. iours en seruice le roy al proper costages des Cynkes portes. Et apres les xv. iours passes ils demurrount au costages le roy, sil en ad a faire.

Le mastr' de la niefe prendra le iour vi. deniers. Le Constable vj. deniers, Et chescū des auters mariners iij. deniers.

Et est a sauer que la Court de Shipvveye que est chiefe Court des cynke portes, ou chescū Maire de chescun port, ou dusse, diz, syz, ou quater, et le Maire d'chescun port sicome eux par letters del gardeyne des Cynke portes

ount estre sũmonus, et sicome le port est greinder ou meinder sauns essoine doit vener, doyt estre summonus per letters del dit gardeine a toutes les portes que illeoques suit deuient enuoies.

Et doit la summons a la suite fere et asũmounder ascun comunant a respondre a ascun, de ascun plee conteiner quarante iours del iour d'la receyt des letters le dit gardeine. Et auaunt dit court doyt estre summons pryncipalment, pur treason fait encounter le roy ou royes, pur faulsure de seale le roy, ou de sa money, pur treasure troue de south le

haue byn sũmoned, and as the port is greater or lesser, without essoyne ought to come, ought to bee sũmoned by the letters of the said warden to al the ports that ought to doe suite there.

And the sũmons ought to be vppon suite made to sũmon any comminalte to aunswere to any of any plee, containing 40. dayes from the day of the receypte of the Letters of the sayed warden.

And the aforesayde Court ought to bee sũmoned chiefelye for Treason done agaynst the kynge or kynges: for counterfaytynge of the kynges seale: or of hys money, for treasure founde vnder the ground:

ground: For the kynges seruice denied, or withholden, for fals iudgement giuen by any cõmunaltie.

terre, pur seruice le roy dedist, ou detenue, pur faux iudgement per ascun communant rendu.

And no commoner to any plea against him brought shall answere but at the court afore sayd.

Et nul cõmunant al ascũ plee vers meſme la cõmunãt meſñ respond'ne doit, forsq̃ a la court auãtdit.

And pleas there had against any Baron of the Cinque portes bynge challenged by the Baillife of the same port of which the said Baron ought to bee adiourned vnto the port, wherof the same Baron is, (if it be not for trespas don agaynst the kynge) because that the said Barons haue conusance of all maner of pleas except pleas of the Crowne. And when those Barons haue sayled to

Et plee illeoques meſne vers ascun baron des Cinkes ports challenge per le baylife de cel port de que bayliemeſme le baron est, doyt estre aiournee dekes al port dount icel baron est, sil ne soit de trñs fayt au roy, pur ceo q̃ les dits barons oũt conisaunces de touts maners de plees horspris plees de corone. Et quant y ceux barons aueraunt defailes en-

droyture faire. Le dit Gardeine a la pleynt de celuy a qui ils auerount defayles de droyture entrant icel port a droyture faire ſicome il eſt contenue en la chartre.

Ouſtre c' la auaunt-dit court ne doyt eſtre tenue de la feaſt del Natiuitie de ſeint Marie ieſus a la feaſt de ſaint Andrevv pur les faires de Germañ.

Ouſtre ceo quant les Barons des Cynke portes ſont en le ſeruice le roy ſur meere, ou a la ſúmons le roy, ou al maundement le roy.

Ouſtre ceo ne doyt pas tenue forſq; per vn iour.

En vn eſſoigñ tant-

doo right: The ſaid Wardeyn at the complaynt of hym to whom they haue fayled to doe right, ſhall goe to the ſame poꝛt to doe right, as is contaynsd in the Charter.

Moꝛeouer, the aforeſaied court ought not to bée holden from the feaſt of the natiuity of ſaynt Mary, vntill the feaſt of ſaint Andꝛewe, beꝯauſe of the martes of Germany.

Alſo when the Barõs of the Cinque poꝛts are in the Kynges ſeruice vppon the Sea, oꝛ at the kings ſummons, oꝛ at the kinges commandement.

Furthermoꝛe, it ought not to bée holden but one day.

And one Eſſoine onely

ly lyeth in the afore-layed Court in euery plea.

Of fluke no Essoigne lieth, as is before layde, and therefore if the Maior, whoe becawse of sickenesse or other sodeine infirmitie cannot come thither, an other may at that day kepe his place, so notwithstandynge that returne bee made by hys Baylife.

Nor others principally ought to bee charged of any iudgement gyuen in the same Court but those names whoe by the Baylifes there haue byn returned.

Besides all this, prouision of shippes & men as is afore layde: I haue seene in an other

solement gist en le auauntdit Court en chescun plee.

De suit nul essoign gist sicome il est auauntdit et pur ceo q' Maire qui de langour ou enfermete sudeine illeoꝰs venir ne purr', auter purra a cel iour son lieu tenir, issint ne pur tauntque retourne soit fait par sō baylife.

Ne auters princypalment deuient estre charges de ascū iudgment rendu en mesm̄ la Court forsq; ceux nosmes queux par les Bayllyffes illeoques ount ēe returnes &c.

Ouster tout ceo, prouisiō de niefs et hoes come est auaūtdit, ieo ay vieuv en vn auter

recorde (briefement eſcript) q̄ cheſc' nieſe doit auer vn garſion, que la eſt appell vn Gromet. Iſſint que en ſomme les cinques ports ſont charges o- ueſq; 57. nieſes. 1197. hões, et 57. garſions ou Gromets.

recorde (ſhortly written) that euery ſhippe ought to haue a boy, whych there is called a Gromet: ſo yͤ in ſomme the Cinque portes are charged with 57. ſhips 1197. men, & 57. boyes or Gromets.

Damage feſants.

Damage feſants.

DAmage feſants eſt quant les beſts dũ eſtraunger, ſount en auters terres, ſaũs auc- thoritie del ley ou li- cence del tenant de le terre, et la maunger treade, ou auterment ſpoila les blees, graſſe, boyes, ou tiels ſem- bles, en q̄l caſe le te- nant que ils iſſint da- mage, poet pur ceo la prender, diſtreine et impounde eux,

DAmage feſauntes, is when a ſtraungers beaſts are in an other mans ground, wyth- out auctho*r*itie of the lawe, o*r* licence of the tenant of the grounde, and there doe fæde, treade, o*r* other wyſe ſpoile the co*r*ne, graſſe, woods, o*r* ſuch lyke: in which caſe the tenaunt whom they hurt, may therefo*r*e there take, diſ- treigne, & impoũd them,

as

as wel if it be in ỹ night, as in the day time. But in other cases as for rent and seruices & such like, none may distreine in ỹ night season.

cibien sit soit ẽ le nuit cõe en le iour. Mes ẽ aut's cases, cõe pur fet et seruices et tiels semblables, nul poit distreiñ en le nuit temps.

Danegelde.

DAnegelde, that is to be quite of a certein custome which hath runne same tymes, which the Danes did leue in Englande.

This beganne first in kinge Etheldreds daies, who beinge sore distressed by the continual inuasions of the Danes, to purchase peace was cõpelled to charge his coũtrey and people wyth impoztable payements: for hée first gaue them at seueral paies 113000 li. and afterwarde graũted thẽ 48000. li. yerely.

Danegelde.

DAnegeld, hoc est quietũ esse de quadam cõsuetudine qui cucurrit aliquo tempore, quã quidẽ Dani leuauer' in Angl'.

Ceo cõmence primẽ tẽps le roy Etheldred q̃ estẽt en graũd distresse p̃ le cõtinual inuasiõ d'les Danes, pur purchaser paxe fuit cõpelle d'charger sõ paires et people oue importable paiñts: car il p̃mermt don al eux al v. seũal paies 113000. li. et puis graũt al eux 48000. li. annualmt.

Deane

Deane et Chapter.

DEane et chapter ẽ vn corps corporate ſpiritual, conſiſtãt de pluſors able pſõs en ley, cõe noſmt le deane (q'eſt le principal) et les Prebẽds: et ils ioint ſont le corporation. Et ſicõe cẽ corporac' poiẽt ioint-ment purchaſe t'res et teñts al vſe de lour eſgliſe et ſucceſſours: Iſſint auxi cheſc'de eux ſeũalment poet purchaſe al vſe de luy et ſes heire, come nous iournalmẽt voiom' eux faier mult abũdãtmt.

Deane and Chapter.

DEane & chapter is a body ſpiritual corporate, conſiſting of many able perſons in la we namely the deane (whoe is the chiefe) and the prebendes, and they together make the corporation. And as this corporation may iointly purchaſe landes and tenements to the vſe of their Church and ſucceſſours: Soe likewiſe euery of them ſeuerally may purchaſe to the vſe of hym ſelfe & his heires, as we dayly ſee them doe moſt abundantly.

Declaration.

DEclaration eſt vn monſtrãce en eſcript de le griefe et complaint de le demaun-

Declaration.

DEclaratiõ is a ſhewing forth in writing, of the griefe and complaynt of the demaun-

dant

dant or plaintife againſt the tenant or defendant, wherein he ſuppoſeth to haue receyued wronge. And thys declaratyon ought to be plaine & certen, both becauſe it impeacheth the defendaunt or tenant, & alſo compelleth him to make anſwere thereto.

Defendant.

DEfendant is he that is ſued in an actyon perſonal, & heis called tenant in an action real.

Demaines.

DEmaines, or demeſnes, is the lords chiefe maner place, which hée & his auncestours haue from time out of mind, kepte in their owne hands, and haue occupied

dant ou plaintife, enuers le tenant ou defendant, en q' il ſuppoſe de auer receyue tort. Et ceſt declaration, doit eſte playne, et certein, pur ceo que il impeach le defendant ou tenãt, et auxi chaſe luy a reſpõder.

Defendant

DEfendant eſt ceſtuy que eſt ſue en action perſonal, et il eſt appel tenãt en action reall.

Demaines.

DEmaines, ou demeſnes, ẽ le principal maner place del ſñr, q' il et ſes auncestours, ount eyve de temps hors de memory, en lour maines deñ, & ount occupie

ceo

', enſéble que touts edefices et measõs q̃cunq̃, et auxi les prees pastures, boies, terre errable, et tiels ſemblables appartainant a ceo.

same, together wyth al buldinges and houſes whatſoeuer, alſo ỹ meadowes, pastures, woods, errable lande, and ſuch like, bẽlonginge thereunto.

Demaundant.

DEmaund' eſt celuy q' ſue ou cõplayne en vn acc' real pur title de terre, et il eſt appel pl' en vn aſſiſe & en vn action perſonel cõe en action de det, treſpas, diſceit, detinue, & tyels ſemblables.

Demaundant.

DEmaundaunt is hẽ that ſuethe or complayneth in an actyon reall, for title of lande, and hee is called playntife in an aſſiſe, & in an action perſonall as in an action of dette, treſpas, diſceit, detinue, and ſuch other.

Demy ſancke en ſangue.

DEmy ſancke, ẽ q̃nt vn hõe mary vn fẽe, et ad iſſue per luy vn fites, et el moruſt, et donques il priſt vn

Halfe blodde.

HAlfe blodde, is when a man marieth a wife, and hath iſſue by her a ſonne, and ſhee dyeth, and then hee taketh an

other

ther womanne, and hath by her also a sonne. Nowe these two sonnes are after a sorte Brothers, or as they are termed, halfe Brothers, or Brothers of the halfe blodde, that is to say brothers by the Fathers syde bécause they had both one father, and are both of his bloud and not brothers at all by the mothers syde, nor of blodde ne kinne that waye, and therefore the one of them cannot bée heire to other, for he that wyll clayme as heire to one by dyscent, must be of ỹ whole blode to him from whome héé claimeth.

auter femme et ad per luy auxi vn fits. Ore ceux deux fites sount solonque vn maner freres, ou com ils sount appels, demy freres, ou freres del demy sanke, cest adire frere, per le part del pier, pur ceo que ils ount ambideux vn pier, et sount ambideux de son sangue, et nemy freres per le part le mere, ne de ascun sanck ou clime cest voye, et pur ceo lun de eux ne poet este heire al auter, car il que voyle clayme come heire al vn per discent, doit este dentier sanke a luy de que il claime.

Demurrer.

Demurrer.

Demurrer

DEmurrer est quant aſcun acc' est port, et le defend' plede vn plee a que le pl' dit q' il ne voile respond', pur ceo que il nest suf ficient plee in le ley, & le def. dyt al con trary que il est sufficient plee, ceſt doubte del ley est appell vn demurrer.

Denizen.

DEnizen est lou vn alien deuiēt le subiect del roigne, et obteyne sa letters patēts, pur enioier touts priuileges cōe vn anglois. Mes vncore nient obstant, il payera custōes, et diuers autres choses come aliens font.

Deodande.

DEmurrer is when a nie action is brought, and the defendaunt pleadeth a plee, to which the pleintife saith that he will not aunswere, for that, ỹ it is not a sufficient plee in the lawe, and the defendaunt saith to the cōtrary, that it is a sufficyent plee, this doubt of the lawe is called a demurrer.

Denizen.

DEnizen is where an alien becommeth the Quēenes subiect and obteyneth her letters patentes to enioye al priuiledges as an englishmā. But yet notwithstandinge, he shall paye customes and diuers other things as aliens doe &c.

Deodande.

Deo-

DEodande is when any man by misfortune is slaine by an horse or by a cart, or by anie other thinge that moueth, thē this thing that is cause of his death, and which at the tyme of the misfortune moued, shalbee forfayte to the Quœne, and that is called deodande, and that perteineth to ỳ Quēnes Almener for to dispose in almes & in deedes of charitie.

DEodande, est quát ascun hõe per misfortune est tue p vne chiual, ou per charet, ou per auter chose q̄ mouet, donques cel chose que est la cause de son mort, que al temps de la myssortune moua, serra forfayt al Roine, & ceo est appel Deodande, & pertaine al Almener le Royne pur disposer in almes et acts de charity.

Departure from a plee or matter.

DEparture frō his plea or matter, is where a manne pleadeth a plee in barre, & the plaintife replieth thereto, and he after in his reioinder pleadeth or sheweth an other

Departure de son plea ou matter.

DEparture d' sõ plea, ou matter, est lou vn home plede vn plee en barre, & le pleintife replie a ceo, et il apres en son reioynd' pled' ou mõstre auter mat-

matter contrary a ſon prim̃ plee en barr',ceo eſt appel vn departer de ſon barre &c.

Departer in diſpite del court.

DEparter in diſpite del court,eſt quãt le tenant ou defendãt appear' al action port enuers luy, et ad iour ouſter en m̃ le terme, ou eſt demaund apres ſaũs iour en meſme le terme, et ne appeare, mes fait defaut,cẽ vn departure in deſpite del court, et pur ceo il ſerra condempne.

Deputie.

DEputie, eſt celuy q̃ occupia en aut' droit, ſoit ceo office, ou aſcun auter choſe, et ſon forfaiture, ou miſdemeñ cauſer' loſ- fic',ou celui q̃ deputy

matter contrary to his firſt plee, ẏ is called a departer frõ his barre &c.

Departure in diſpite of the court.

DEparture in diſpite of the court, is when the tenant or defendant appereth to the action brought againſt him, & hath a day ouer in ẏ ſame terme,or is called after without day in the ſame terme,and doth not appere,but makes defaut, this is a departure in diſpite of the court, & therefore he ſhalbe condempned.

Deputie.

DEputie,is he ẏ occupieth in an other mans right,whether it bee office or any other thig eis and his forf. or miſdemener ſhal cauſe the officer, or him whoſe deputie hee

he is to lose his office or thinge. But a man can not make his deputie in al cases, except the grant so bee as if it bee wᵗ these or such like wordes, to exercise or vse by himself or his sufficient deputie: or if ỹ words go further, by himselfe or his deputy, or the deputy of hys deputy, then hee may make a deputy, and his deputy also may make a deputy, els not.

il est de pard' sõ office ou chose. Mes vn ne poet faire son deputy en toutes cases, nisi le grãt soit issint sicõe il soit oue ceux ou tiels semblables parols, exercendo p se vel sufficientẽ deput' suũ, ou si les parols va oustre, p se vel deputat' suũ, aut deputat' deputati, donqs il poet faire vn deputy, et son deputy auxi poet faire vn deputy, auterm̃t nemy.

Deuastauerunt.

DEuastauerunt bona testatoris, is when Executours wil deliuer the legacies that their testator hath gyuen, or make restytutyon for wronges don by him, or pay his debts due vppon contractes, or other dets vpon specialtyes, whose

Deuastauerunt.

DEuastauer' bona testator', ẽ qñt les executors voyle deliũ les legacies q' lour testator ad done: ou faire restitution pur tortes faits per luy, ou pay ses dettes due sur cõtracts, ou auter dettes sur specialtyes, que

iours de payment ne ſount vncore venus &c. Et ne garde ſufficient en lour mains, pur dyſcharger tyels dets ſur ſpecialtyes, que ils ſount compellable p̄ſentmēt per la ley de ſatiſſier, donq̄s ils ſerront conſtrayne de paier de lour biens demeſne ceux duties, l' quel al primer per le ley ils fuerount compels de payer, accordant al value de ceo que ils deliueront ou pay ſauns compulſion, car tyels payments de dets, ou deliuerie de legacies, come eſt auantdit, deuant dets payes ſur eſpecialties, que iours de paiment ſount a ore venus, ſount accompt en le ley vn vaſtát del bñs

dayes of payments are not yet come &c. And kepe not ſufficiēt in their hands, to diſcharge thoſe debts vppon ſpecialties that they are compellable p̄ſentiy by the law to ſatiſſie: Then they ſhalbee conſtrayned to pay of their owne goods thoſe duetyes, which at the firſt by the law they were compelled to pay: accordinge to the value of that that they deliuered or payed wythout compulſion: For ſuch paymentes of debts or deliuery of legacies, as afore ſayde, before debtes payed vpon ſpecialtyes, whoſe dayes of payment are alreadye come: are accompted in the lawe a waſtynge of the goodes

of

of the testator, as much as if they had gyuen them away wythout cause, or sold them, and conuerted them to their owne vse.

del testator, cy taunt, come si ils ad done eux sauns cause, ou vende eux, et conuert eux a lour proper vse.

Deuise.

DEuyse is where a man in his testamēt gæueth or bequeaueth his goodes or hys landes to an other after his decease.

And where such deuise is made of goodes, if the executours will not deliuer the goodes to the deuisee, the deuisee hath no remedy by the common lawe, but it behoueth him to haue a cytation against ỹ executors of the testator, to appere before the Ordinary to shewe why hee performeth not the wil of the

Deuise.

DEuise est lou vn home en sō testamēt doñ ou graũta ses bñs ou ses terres a vn auter aps son decease. Et lou tiel deuise est fait des biens, si les executours ne voil' deliuer les bñs a le deuisee, le deuisee nad remedy per l' comē ley, mes il couyent de auer cytation vers les executours le testatour dappearer deuãt lordynarie de monstrer pur quoy il ne performer le volunte le

testator, car le deuisee ne poet prēd' le legacy et luy m̄ seruer, mes il doet este deliuer a luy per les executors.

Et ore al fin̄ de mr'e a vous (frere Nich.) quant les leys de cest realme, et les sapient discreete Iudges de c̄, q̄ux sont les interpreters de le ley, ount fauour volunts et testaments, et issint deuises en yelding al eux tiel reasonable cōstrucc', cōe ils pēsant poet bn̄ agreer oue les mentes de les morts, considerāts q̄ volunts et testam̄ts sōt pur le plus pt, et p comō entend-m̄t, fait q̄t le testat' ē ore en graūd lāgour, feble, et passe tout spe rans de recoūy, car il est vn opinion en le

testatour, for the deuisee may not take the legacy and serue himself, but it must be deliuered to him by the executours.

And here to the end to shewe you (Brother Nicholas) howe much the lawes of thys Realme, and the wise discréte Iudges of ỹ same, who are the interpreters of the lawe, doe fauour willes, and testaments, and so deuises in yelding to them such a reasonable construction, as they thinke myght best agrée with the mindes of the dead, considering that willes & testaments are for the most part, and by cōmō intendment, made whē the testator is nowe very sicke, weake, & past al hope of recouery, for it is a receiued opinion in̄ countrey

countrey amonge most ꝑ if a man should chaūce to be so wise, as to make his wil in his good helth, when he is stronge, of good memory, hath tyme and leysure, and might aske counsel if any doubt were, of the lerned, that then hee should not liue longe after, and therfore they deferre it, to such tyme, when as it were more conuenient to apply them selues to the disposition of their soules, then of their landes or goodes, except it were, that by the fresh memory, and recitall of them at that tyme, it myght bee a cause to put them in mind of some of their goodes, or landes falsely gotten, and so moue them to restitutyon &c.

payes enter le greind' nombers, q̄ si vn hōe p chāce soit cy sapiēt, cōe de faire sō volunt en son bone sane, q̄nt il est strōg, de bō memory, ad tēps & opor tunitie, et poet de' coūcel si asc' dout soit de le learned, q' donques il ne doiet viuer lōge apres ceo, et pur ceo, ils ceo deferre, tā que tiel temps, quant il soit plus conuenient d' applier eux mesmes a l' disposition de lour almes, q' de lour ter res et biens, sinō que il soit, q' per fresh memory, et recital d' eux a cest tēps, il poet estr' vn cāe de miso eux en ment, de ascūs d' lour bns, ou terres fauxm̄t purch. et issint moue eux al restitution &c.

Et a c' tẽps, le eſcrip-
ture de tyels volũts,
ſõt cõmunemẽt cõmyt
al miniſter del poch,
ou al aſc' aut' plus ig-
norant q̃ luy, ſil poet
eſtre, q̃ ne ſcauoit q̃ux
parolx ſont neceſſarie
pur faire vn eſtate en
fee ſimpl', fee tail', pur
terme de vie, ou tyels
ſemblables, preter di-
uers auters miſchiefs.
Ieo voile pur cẽ miſe a
vo⁹ cy aſcuns d' ceux
caſes q̃ux ſõt plus cõ-
mõ en les bouches de
les ignorant homes, et
portount, p le ſapient
interpretations de les
Iudges, cõe eſt auant-
dit, vn larger, et plus
fauorable ſẽſe en vo-
lũts q̃ é faits: Et pur cẽ
priñmẽt, ſi vn deuiſe al
I. S. p ſõ volũt, toutes
ſes terres et tents, icy
nõ ſoleñt touts ceux

And at that tyme, the
penning of ſuch willes,
are commonly commit-
ted to the miniſter of the
pariſh, or to ſome other
more ignorannt then hee
if ỹ may be, whoe kno-
weth not what wordes
are neceſſarie to make
an eſtate in fee ſimple,
fee taile, for terme of life,
or ſuch like, beſides ma-
ny other miſchiefes. I
will therefore ſet you
here downe ſome of
thoſe caſes that are moſt
common in ignorannt
mens mouthes, and doe
carry, by the wiſe inter-
pretatiõs of ỹ Iudges as
is aforeſaid, a larger and
more fauorable ſenſe in
wils thẽ in dẽdes: firſt
therefore if one deuiſe to
I. S. by his wil, all hys
lands and tenementes,
here not onely all thoſe
lands

landes ỹ he hath in poſſ. doe paſſe, but alſo thoſe that he hath the reuerſi- on of by vertue of theſe wordes tenements.

t'res q̃ il ad en poſſeſſ. paſſõt, mes auxy ceux de q̃ il ad le reuerſion, p vertue de ceux polx tenements.

And if landes be deuiſed to a man to haue to him for euermore, or to haue to hi & his aſſignes, in theſe.ii. caſes ỹ deuiſee ſhal haue a fee ſiple. But if it be geuen by feoffe- ment in ſuch maner, hee hath but an eſtate for terme of life.

Et ſi t'res ſõt deuiſe a vn hõe, a aũ a luy im ppetuũ, ou a aũ a luy et a ſes aſſignes: en ceux deux caſes l' de- uiſee auera fee ſimpl', mes ſi ſoit doñ p feof- fement, en tiel maner il nad forſq; eſtat' pur terme de vie.

Alſo if a man deuyſe his land to an other, to giue, ſel, or doe therwith at his pleaſure or wyll, this is fee ſimple.

Auxi ſi vn home de- uiſe ſes terres al auter, pur doñ, vẽd', ou faire de c̃ a ſon wil et plea- ſure, ceſt fee ſimple.

A deuiſe made to one & to his heires males, doth make an eſtate taile, but if ſuch wordes be put in a dede of feoffement, it ſhalbee taken in fee ſim- ple, becauſe it doth

Vn deuiſe fayt al vn et a ſes hr'es males fait vn eſtate taile, mes ſi tiels parolx ſoũt miſe en vn fait d' feoffem̃t, il ſerra pryſe en fee ſimple, pur ceo que

que il nappiert de qui corps les heires males ſerra ingendre.

Si terres ſount done per fait al I.S. et a les heyres males de ſon corps &c. q̃ ad iſſu file que ad iſſu fits et moruſt, la le terre reuertera al donor, et l' fits del file nauer' ceo, pur c' que il ne poet a luy meſme conueyer per heires males, car ſa meere eſt vn obſtacle a ceo, mes autrement eſt d' tiel deuiſe, car la l' fits del file ceo auera rather que le volunt ſerra voyde.

Si vn deuiſe al infant en venter matris ſue, ceſt bone deuiſe, autrement eſt p feoffem̃t grãt ou dõe, car en ceux caſes il

it doth not appere of what bodye the heires males ſhalbe begotten.

If lands be gyuen by deede to I. S. and to the heires males of his body &c. whoe hath iſſue a daughter, whoe hath iſſue a ſonne, and dieth, there the land ſhall returne to the donour, and the ſonne of the daughter ſhall not haue it, becauſe hee cannot conuey himſelf by heires males, for his mother is a let thereto: But otherwiſe it is of ſuch a deuiſe, for there ẏ ſon of ẏ daughter ſhall haue it, rather thẽ ẏ will ſhalbe voyd.

If one deuiſe to an infant in his mothers belly, it is a good deuiſe, otherwyſe it is by feoffement, graunt, or gift, for in thoſe caſes there

ought

ought to beone of hability to take presently, or otherwise it is voide.

doet estr' vn de habilitie pur prend' maintenant, ou autermẽt il est voide.

A deuise made (in fee simple) without expresse wordes of heires, is good in fee simple.

Vn deuise fait (en fee simple) sãs expsse parolx de heires, est bon en fee simple.

But if a deuise be to I. N. hee shall haue the land but for terme of life, for those wordes wil carry noe greater estate.

Mes si vn deuise soit al I.N. il aũa les terres forsq; pur t'me de vie, car ceux polx ne voil' porter greind' estate.

If one wil ỹ his sonne I. shal haue his land after the death of his wife, here the wife of the deuisour shal haue the lande first for terme of her life.

Si vn voile q' son fits I. aũa son terre post morte son fẽe, icy le fẽe del deuisor aũa le terre prim̃ pur terme de sa vie.

Soe likewise if a man deuise his goodes to his wife, and that after the decease of his wife, his sonne and heire shal haue the house where ỹ goods are, there the sonne shal not haue the house during the life of the wife,

Issint si hom deuise ses byens a sa feme, et que apres le mort sa femme, son fits et heire auera le meason ou les byens sount, la le fits naura le meason durant le vie de le femme,

car

car il appiert que son intent fuit, q' sa feme doit aũ le meaſõ auxi pur terme de ſa vie, nient obſtant il ne fuyt deuiſe a luy p expreſſe parolx.

Si vn deuiſe ſoit al I.N. et a les heires females de ſon corps ingendres: apres l' deuiſee ad iſſue fits et file et moruſt, icy le file auera le terre, et nemy le fits, et vncore il eſt le pluis digne pſon, et heire al ſon peere, mes pur ceo que le volũt del mort eſt, que le file doyt ceo auer, ley et conſcience voit iſſint auxi Et en ceſt point les hethens fueront preciſe, come appiert per ceux verſes de Octauius Auguſtus q' Do-

for it doth appere ỹ his intẽt was, that his wife ſhould haue the houſe alſo for terme of her lyfe, notwithſtandig it were not deuiſed to her by expreſſe words.

If a deuiſe be to I.N. and to ỹ heires females of his body begotten: after the deuiſee hath iſſue a ſonne and a daughter and dieth, here ỹ daughter ſhal haue the land, & not the ſonne, & yet he is the moſt worthy perſõ, and heire to his father, but becauſe the wyll of the dead is, that the daughter ſhould haue it, lawe and conſcience will ſo alſo, And herein the very hethens were precyſe, as appereth by theſe verſes of Octauius Auguſtus whych Do-

natus

natus repoꝛteth, he made after that Virgil at hys death, gaue commaundement that hys bokes shoulde bee burnt, bee-cause they were vnperfite, and yet some perswaded that they shoulde bee saued as in deede they very happely were, to whom hee aũswered thus. But faith of lawes must nedes be kept, and what last wil doth say, & what it doth cõmaũd be done, ỹ needes we must obey.

natus report, il fesoyt apres que Virgil a son mort, donoit cõmaũdement que ses liuers doient estre combure pur ceo que ils fuerõt vnperfit, et vncore aſcuns perſwadount que ils doyent estre ſaue, come ẽ a fit happiment ils fueront, a q̃ il respond issint. Sed legum seruãda fides: ſuꝑma volũtas quod mandat, fierique iubet, parere necesse est.

Discent.

DIscent is in ij. sorts, eyther linial, oꝛ collateral.

Linial discent, is whẽ the discent is conueied in ỹ same line oꝛ the whole blode, as Grandfather, father, sonne, sonns sõne so downwarde.

Discent.

DIscent ẽ vn deux sorts ou linial, ou collaterall.

Liniall discent, est quant le discent est conuey en meſme le line dentier sanke, cõe aile, pier, fits, fits del fits, et issint debaſſa.

Disclai-

Collateral diſcent, ẽ dehors en vn auter branch dehaut, dentier ſanke, cõe le frere del aile, frere del fits, et iſſint debaſſa.

Collateral diſcent, is out in an other braunch from aboue, of ỹ whole blode, as the graund fathers bro. fathers brother, & ſoe downewarde.

Diſclaimer.

DIſclaimer eſt lou le ſeigniour diſtraine ſon tenaunt, et il ſua repleuin, & le ſeignior auowa le priſe, per reſon que il tient de luy ſi le tenaunt dyt que il diſclaima de tener de luy, ceſt appel vne diſclaimer, et ſi le ſeigniour ſur ceo porte briefe de droit ſur diſclaim̃, et il ſoit troue encounter le tenant, il perdera le terre.

Diſclaimer.

DIſclaimer, is when the Lorde dyſtraineth his tenaunt, and hée ſueth a repleuin, & the lord auoweth the takinge by reaſon that he holdeth of him, if the tenaunt ſay that hée dyſclaimeth to holde of him, this is called a dyſclaimer, and if ỹ lorde thereuppon bringe a writ of right ſur dyſclaimer, & it be founde againſt the tenant, he ſhall loſe the land.

Diſmes.

DIſmes ſont deuides en troies ſorts, noſ-

Tithes.

TIthes are in three ſortes deuyded, to wit

wit, Predial tithes, Parsonal tythes, and Mixt tithes.

Predial tithes, are tithes that bee payed of thinges that come of the grouñd onely, as Corne, Haye, fruits of Trees, & such like.

Parsonal tythes, are tithes that bee payed of such profits as come by the labour, and industrie of a mans person, as by bayinge, sellinge, gaines of marchandise: and of handicraftes men, laborers, and such as worke for hyer, as Carpenters, Masons and such like.

Myxt tythes are the tithes of Calues, Lambs, Pigges, and such lyke, that encrease partlye of the grounde that they be fedde vppon, and partlie

ment, Prediall dismes, Parsonel dismes, et Mixt dismes.

Prediall dismes, sont dismes, que sont pay de choses q̃ux vient de le trrre soleñt, cõe, feine, fruits de arbors, et tiels sẽblables.

Personall dismes, sont dismes q̃ sont paies de tiels profits q' veigne ple labor, et industry del pſõ dũ hõe, cõe p empc', et vẽdic', gaine de marchãtdize, & de manuel craft hões, laborers et tiels q' labor pur sallery, cõe carpẽters, masõs, et tiels sẽblables.

Mixt dismes, sont les dismes de vitels, agnes, porcels, et tiels sẽblables, q̃ encrease ptmt del t'r', sur q'ils sõt depastures, et partmt

del

del gardâs, enduſtry, et diligence del owner.

of the kéepinge, ſtudiſtry, and diligence of the owner.

Diſperagement.

DIſperagement, eſt vn honte, diſgrace ou villanie fait per le gardé ẽ Chiualry, al ſon garde en Chiualry (q̃l en aũcient tẽps fuit tant a dire cõe vn gentelhõe) eſteant deins age, per reaſon de mariage. Come qñt le garden mary ſõ ward deins age de 14. ans, et deins tiel temps q' il ne poit conſent all mariage al vn nefe ou al file dun quedemurt en vn Burrough (que eſt deſte entend tiels q' peres, pfeſſe maine-crauftes, et tiels baſer artes de emption et vendition pur gayner

Diſperagement.

DIſperagement, is a ſhame, diſgrace, or villanye done by the Garden in Chiualry, to his ward in Chiualry (which in olde tyme was as much to ſaye as a gentelman) beinge within age, by reaſon of mariage. As when the Garden doth mary his warde wythin the age of 14. yeres, and within ſuch time that he cannot conſent to Mariage, to a bõdwomã, or to ỳ daughter of one that dwelte in a borowe (which is to be underſtood ſuch whoſe fathers profeſſe handycrafts, & thoſe baſer arts of buying & ſelling to get

their

theirlininge by) or to one that hath but one foote, or one hande, or is lame, or deformed, or hath some horrible disease, as the leprosey, frenche pockes, falling sickenesse, or such like, or marieth him to a woman that is past childeringe, and diuers such other: Then vppon the complaynt made by the frendes of such heire, the Lorde or garden shal lose the wardshippe, and the profits during ỹ nonage of ỹ heire', for the shame done vnto him.

lour viuer per ceo) ou al vn q̃ ad forsque vn pee, ou vn maine, ou est decrepite, ou deforme, ou ayant horrible disease, cõe le leprosie, les pockes des frankes, falling sickenes, ou tiels sẽblables, ou mary luy a vn fẽe q'ẽ passe lage d' fant', et diuers tiels aut's, dõ ỹ sur le cõplaint fait p les amies de tiel hr', le sñr ou garden perdera le gardship, et les pfits durãt le nonage del heire, pur le hont fait a luy.

forfeiture de gard. sur le Dis. parcenors.

Disseisin.

DIsseisin, is when a mã entres into any lands or tenemẽts where his entrie is not lawful, & putteth him out that hath ỹ freehold.

Disseisin.

DIsseisin, est quãt vn hõe ent' en asc' t'res, ou tenẽts lou sõ entrie nẽ pas congeable, et ousta celuy que ad le frankteñt.

Dis-

Disseisin sur disseisin.

DIsseisin sur disseysin est, quaunt le disseisour est disseisie per vn auter.

Disseisin vppon disseisin.

DIsseisin vppon disseysin is, when the disseisor is disseised by an other.

Disseisour et disseisee.

DIsseisor est celuy que myst aſcun home hors de sō terre ſauns order de ley, et disseisee est celuy que est issint mis de hors.

Disseisor and disseisee.

DIsseysoure, is he which putteth anye manne out of his lande without order of ye lawe, & disseisee is he that is so put out.

Distresse.

DIstres est la chose que est pris et distrayne ſur aſcun terre pur rent arere, ou pur aut' dutie, ou pur tort fait, coment que le ꝓpperty del chose ſoit pteinat al estrāge, mes ſi ſount beastes que

Distresse.

DIstresse is the thinge which is taken & drystrayned vpon any lande, for rent bæhinde, or other duty or for hurt don, although that the ꝓperttie of the thinge bælongeth to a straunger, but if they be beasts that

belong

belong to a ſtranger, it behoueth that they bée leuant and couchant vpon the ſame ground, ỹ is to ſay, that the beaſts haue ben vpon ỹ ground by certaine ſpace ỹ they haue themſelfe well reſted there or els they bée not diſtrainable. And if one diſtraine for rent or other thynge without cauſe lawfull, then the party greéued ſhall haue a repleuin vppon ſuertie found to purſue his action, and ſhal haue ỹ diſtreſſe to hym deliuered againe.

But there bée diuers thinges which bée not diſtrainable, ỹ is to ſaye robe dauter home an other mans gowne in the houſe of a tayler, or cloth in the houſe of a fuller, ſheremã, or wey-uer, for that, that they be

perteiñt a vn eſtrãge, il couient que ſont leuant & couchant ſuſ meſme le terre. s. q̃ les beaſts auoiẽt eé ſur l' terre p certaine ſpace que ils oũt eux bñ repoſe ſur la terr' ou autrement ils ne ſont diſtrainable. Et ſi vn diſtraine pur rent ou auter choſe ſauns cauſe loyal, donques le partie greeue auera vn Repleuin ſur ſuertie troue de purſuer ſon action, et auera la diſtreſſe a luy redeliuer.

Mes ſount diuers choſes que ne ſont dyſtreinable, ceſt aſſauoir robe dauter home en le meaſon de vn tayler, ou drape en le meaſon dun fuller, shereman, ou vveyuer, pur ceo q̃ ils ſont

cõmon artificers, et q̃ le cõmen preſumption eſt que tyels choſes ne perteynent al artificer, mes al auters perſons que les mettont la a ouefer.

commen artificers, and that the cõmon preſũption is, that ſuch thynges belong not to the artificer, but to other perſons which put them there to be wrought.

Auxi vitel neſt pas diſtreinable, ne blees en garbes, ſinon q̃ ils ſount en vn chareot, pur c' que diſtres couient eẽ touts foits de tiel choſe, doũt le viĉ puit faire repleuin, et redeliũ en auxi bõ cas que il fuit al tẽps del priſe. Auxi home puit diſtraine pur homage de ſon tenant, pur feãltie et eſcuage, & aũt's ſeruices, et pur fiñs et amercements q̃ sõt aſſeſſe en vn lete, mes nemy en court barõ. Et auxi pur damage feſaunt. s. quaunt il

Alſo vitaile is not diſtrainable, nor corne in ſheues, but if they be in a carte, for that that a diſtreſſe ought to bee alway of ſuch thynges wherof the ſherife may make Repleuin, and deliuer againe in as good caſe as it was at the time of the taking.

A manne may diſtraynt for homage, & feãltie, and eſcuage, & other ſeruyces: for fynes and amercements which bee aſſeſſed in a leete but not in a court baron: and alſo for dammage feſaunt, that is to ſay, when hee findeth

findeth the beastes or goods of an other, doing hurt or cumbrynge hys ground. But a man may not distraine for any rēt or thing due for any lād, but vpon the same lande yᵗ is charged therewith, but in case where I cōe to distraine, & the other seeing my purpose, chaseth the beastes or bereth the thing out to the intent yᵗ I shal not take it for a distresse vpon the ground, thē I may well pursue, and if I take it presently in the hye way or in an others ground, yᵗ taking is lawful aswell there as vpon the land charged to whomsoeuer yᵗ propertie of the goodes be. Also for fines and amercemēts which be assessed in a lete, one may alway take the goodes

troue l's beasts ou bñs dū aut', fesant tort ou incūbrant sō t're, mes home ne puit distrain pur asc' rent ou chose due pur asc' terre, mes sur m̄ la t're q̄ ē charg oues'ᵹ c̄, mes en case lou ieo veign̄ a distr', et lauter voyant mon purp̄, chase les beastes ou port le chose de hors, al entēt q̄ ieo ne prendra pur distresse sur le terre, donq̄s ieo puisse bñ pursue, et si ieo le prist mayntenāt en la haute chimin ou en auter soile, la prisel est loial, auxibñ la cōe sur la terr' charge a q̄cunᵹ la propertie des bñs sōt. Auxi pur fiñs et amerciamentes que sount assesse en vn lete, vn puit toutes foits prendre les biens

celuy qui eſt iſſint a- of him that is ſo amer-
mercy in quecunque ced, in whoſe ground ſo
ſoile que ils ſõt deyns ever they bée within the
la iuryſdictyon del iuriſdictyon of the court
Court vt dicitur. Et as it is ſayd. And when
quant vn ad priſe vn one hath takẽ a diſtreſſe,
diſtres, il couiét a luy it bæhoueth hym to
de ameſñ a le comen bringe it to the commen
pound, ou auterment pound, or els hée may
il puit garder in auter kæpe it in an others
ſoile, iſſint que il doñ ground ſo that hée géue
notice al partie que il notice to the party, that
(ſi le diſtreſſe ſoyt vn hée (if the diſtreſſe bee a
viue beaſt) puit doñ a quicke beaſt) may géue
luy viand, et donqs ſi to it fode, and then if
le beaſt murruſt pur the beaſt dye for defaut
defaut de viand', ce- of fode, hee that was
luy que fuit diſtrayne dyſtrayned ſhall bee at
ſerra a le parde, & the loſſe, and then the
donques lauter puyt other may diſtrayne a-
diſtrayne auterfoytes gayne for the ſame rent
pur meſme le rent ou or duitie. But if hee
duitie. Mes ſil ameſ- bringe the dyſtreſſe to
na la dyſtreſſe a vn a holde or out of the coũ-
forſelet, ou hors del ty, that the ſherife may
county, que la viĉ ne not make deliuerance
puit bñ faire deliũãce vppon

vppon the repleuin, then the party vppon the retorne of the sherise, shall haue a writ of Withernam, directed to the sherise, that he take as many of hys beastes, or as much goodes of the other in his keepinge, tyll that he hath made deliuerãce of the first distres. Also if they bee in a forselet or Castell, the Sherise may take with him the power of the County, & beate downe the Castel, as it appeareth by ý statute Westm. 1. cap. xvii. Therefore looke the statute.

sur repleuin, donques la partie sur le returne de viscount auera vn briefe d' Withernam direct al viscount, que il preigne taunt de ses beastes, ou taunt des biẽs lauter en sa gard, tanque il ad fayt deliuerance de la prymer distresse. Auxy, sils sount in vn forselet ou chateaw, le vicont puit prender oue luy le power del county & abater le chastell come appiert per le statute westmonaster' 1. C. 17. Ideo vide statutum.

Diuorce.

DIuorce so called of diuortium, cõminge of the verbe diuorto, which signifieth to retorne backe. As when a mã is diuorced frõ his

Diuorce.

DIuorc', issint appel d' diuortiũ, veniẽs del verbe diuort', que signifie pur ret' arrer', come quant vn home est dyuorce de son

feme, il luy retourne arrere al ſa pier, ou auter amies, ou al lieu ou il luy ad, et per tiel diuorce le mariage eſt defeate et deſtruye.

wife, hee returneth her backe home to her father or other frends, or to the place from whence he had her, & by ſuch diuorce the mariage is defeated and vndone.

Donor et donee.

DOnor eſt celuy que dõe terres ou tenements al auter en taile, et celuy a q̃ il eſt dõe, eſt appel donee.

Donor, & donee.

DOnor is hee whych gyueth lands or tenements to an other in tayle, and hee to whom the ſame is ſo gyuen, is called donee.

Double plea.

DOuble plee, eſt lou le defendant ou tenaũt en aſcun action plede vn plee, in que ij. matters ſont cõprehendus, & cheſcun per luy mẽ eſt vn ſufficient barre ou reſpõs al actyon ou matter de barre, donques tiel double plee ne ſerra

Double plea.

DOuble plee, is where the defendaunt or tenant in any accion, pleadeth a plee in the which ij. matters be comprehended, and euery one by himſelfe is a ſufficyent barre or anſwere to the action, then ſuch a double plea plee ſhall not bee

admitted

admitted for a plée ex-
cept one depend vpon an
other, and in such case if
he may not haue the last
plée without the first plée
then such a double plée
shalbe wel suffered.

admit pur plee, si non
que vn depende sur
lauter, et in tyel case,
si ne puit auer' l' dar-
reine plee, sans le pri-
mer plee, dõques tyel
double plee serr' bien
suffer.

Ryght.

RIght is where one
hath a thing that was
taken from an other
wrongfully, as by disseí-
sin, or putting out, or such
like. And the challenge
or claime that hée hath,
who should haue ẏ thing
is called right.

Droit.

DRoyt ẽ lou vn ad
choſe q̃ fuit toll de
auter per tort, cõe per
disseisin, ou eiectmẽt,
ou tiels semblables, et
ceo challẽge ou claim̃
que il ad que auoyt le
choſe, est term̃ droit.

Right of entrie.

RIght of entrie, is
when one seysed of
land in fee, is therof dis-
seised: Now the disseisée
hath right to enter into
ẏ land, & may so do whẽ
he wyll: or els hée may

Droit dentrie.

DRoyt dentrie, est
quant vn seisie de
terre en fee, ẽ d' c' dis-
seise: Ore le disseisie
ad droyt dentre en le
terre, et poet quaunt
il voyle, ou il poet

auer briefe de droyt enuers le diſſeiſour.

Dures.

DVres ē lou vn hōe eſt garde in pryſon ou reſtreyne d'ſō libertie cōtrary al order de ley, et ſi tiel pſon iſſint eſteant, fayt in dures aſcun eſpecialtie, ou obligation, p reaſon de tiel empriſonment, tyel fayt eſt voyde en le ley, et in actyon port ſur tyel eſpecialtie, il puit dire que il fuit fait per dures de ſon impryſonment: mes ſi home ſoyt arreſt ſur aſcun action al ſuite vn auter, meſque le cauſe del action ne ſoit bon ne voier, ſil fait aſcun obligatyon a vn eſtraūge eſteant in priſon pur tiel arreſt, vn-

haue a writ of ryght a gainſt the diſſeiſour.

Dures.

DVres is where one is kept in priſon or reſtrained frō his liberty contrary to the order of the lawe, and if ſuch a perſon ſo beinge in dures make any eſpecialtie or obligation by reaſon of ſuch impriſonment, ſuch a deede is voyde in the lawe: and in an actyon brought vppon ſuch an eſpecialtie, hee may ſay that it was made by dures of impryſonment, but if a man bee arreſted vppon any action, at the ſuite of an other, though the cauſe of the action be not good nor trewe, if hee make any obligation to a ſtraunger beeinge in priſon by ſuch arreſt, yet

it

it shall not bee sayed by dures: but if hee make an obligation to hym at whose suit he was arrested to bee dyscharged of such imprisonment, then it shalbe said dures.

core il ne serra dit per dures, mes sil fait obligation a luy a que suit il fuit arrest deste discharge de tiel imprisonment, donques il serra dit dures.

Eire Justices.

EIre Justices, or Itinerant as we call them, were Justices that vsed to ryde from place to place through out the realme, to administer Justice.

Eire Iustices.

EIre Iustices, or Itinerant, come nous appel eux, fuerõt Iustices que vse de equitare de lieu al lieu, per tout le realm̃, pur administer iustice.

Embrasour or Embraceour.

EMbrasour or Embraceour, is he that when a matter is in trial betweene party and party commeth to the Barre with one of the partyes (hauinge receyued some reward soe to doe) and

Embrasour ou embraceour.

EMbrasour ou Embraceour, est celuy que quant vn matter est en tryal perenter partie et partie, vyent al barre oue vn del partyes (ayant rẽceiue aſcun revvard pur iſſint faire) et

parle

parle en le case, ou priuemẽt labour l'iury ou stat la pur surueier ou surueu eux, per cẽ meanes de mitter eux en pauour et doubt del matter. Mes hões que sount erudite en le ley, poient parle en le case pur lour fee mes ils ne poyent labour le Iurie, et sils preigne mony a isſint faire, ils auxi sont embrasors.

speaketh in the case, or priuely laboreth the Iury or standeth thereto surueye, or ouerlooke thē therby to put them in feare & doubt of ỹ matter. But men that are learned in the lawe, may speake in the case for their fee, but they may not labour the Iurye, and if they take money soe to doe, they also are embrasors.

Encrochment.

ENcrochment est dit q̃nt le sr̃ ad happa seisin de plus rent ou seruices de son tenant que de droit est due, ou doet este paye ou fayt a luy: Come si le tenaunt tyent sa terre de son seigniour;

Encrochment.

ENcrochment is sayed, when the Lorde hath gotten seisine of more rent, or seruices, of hys tenaunt, then of right is due, or ought to be payed or done vnto him: As if the tenaunt holde lande of hys Lorde by

by fealtye and ij. s. rent yerelye, And nowe of late tyme, the Lord hath gotten seysine of three shillings rent, or of homage, or Escuage, or such lyke, Then this is called an Encrochment of that rent or service.

per fealtie et ij.s. rent annuelment, Et ore de tardife tẽps, le sr̃ ad happa seisin d'ij.s. rent, ou de homage, ou escuage, ou tielsẽblables, dõc̃ cẽ appel vn Encrochment de cest rent, ou seruice.

Enheritance.

Enheritaunce, is such estate in landes, or tenements, or other thinges as may be inherited by the heire, whether it be of estate in fee simple, or taile, by discent from any of hys Auncestors, or by hys owne purchase.

And Enheritaunce is deuded into two sortes, that is to say, enheritãce corporate, & enheritance incorporate.

Enheritance.

ENheritaunce est tiel estat'en t'res ou tenẽts, ou auters choses, que poient este enherite p le heire, soit ceo de estate en fee simple, ou taile per discent de asẽ de ses auncesters, ou per son purchase demesne.

Et enheritaunce est deuide en deux sorts, céascauoir, enheritãce corporate, et enheritance encorporate.

Enhe-

Enhertãce corporate ſont meſuages, terres, prees, paſtures rents, et tiels ſẽblables, q̃ ont ſubſtance en eux meſmes, et poient cõtinuer tout tẽps. Et ceux ſont appel choſes corporal.

Enheritance incorporate, ſont aduowſons, villes, voies, commons, Courts, piſcaries, q̃ ſont ou poient eẽ appẽd', ou appurtenantes a enheritance corporate.

Equitie.

EQuite eſt en deux mañs, diũs molt lũ del aut', et ſont de cõtrary effectes, car lun abridge, diminish, ou toll' de l'lett' del ley. Le aut' ẽlarge, amplifie, et ad a ceo.

Enheritance corporate are meſuages, landes, meadowes, paſtures, rentes, and ſuch lyke that haue ſubſtaunce in them ſelues, and may haue contynuaunce alwayes. And theſe ar called corporal things.

Enheritaunce incorporate, are aduowſons, villaynes, wayes, commons, Courts, fiſhings, and ſuch like that are, or may be appendant, or appurtenant to inheritances corporate.

Equitie.

EQuitie is in two ſorts, differing much the one from the other, and are of contrarye effectes, for the one doth abridge, diminiſhe and take from ỹ letter of ỹ law. The other doth inlarge amplifie and adde thereunto.

The

The first is thus defined, Equitie is the correction of a lawe generally made, in that part wherein it faileth, which correction of ỹ generall wordes, is much vsed in our lawe: As if for exam ple, when an act of parliament is made, that whosoeuer doth such a thinge, shalbe a felon, and shal suffer death: yet is a madde manne, or an infaunt of yonge yeres that hath noe discretion, doe the same, they shalbe no felõs, nor suffer death therefore.

Also if a statute were made that al personnes that shal receiue, or geue meate and drinke, or other succour, to any that shal do such a thing, shalbée accessorie to hys offence, and shal suffer

Le primer est issit de- equity.
fine. Æquitas est cor-
rectio legis generatim
latæ qua parte dificit,
le quel correction del
genal parols ẽ moult
vseen nr'e ley, sicome
pur example, q̃n act
de parliament est fait,
quecunq; que fait tiel
act serra felon, et serr'
mise al mort, vnc' si
home de non sanæ
memorię, ou enfaunt
de tend' age que nad
discretion le fayt, ils
ne serront felons, ne
mise al mort.

Auxi si estatut fuit
fait que toutes per-
sons que recetteront
ou doneront manger
ou boier ou aut' aide
acéy q' faiera tiel act,
serront accessory a sõ
offence, et serrõt mise

al

al mort si conusterōt del fact, vncore lū fait tiel act et veygne a sa vpper feme que sciant ceo luy receiue et dōe manger et boier a luy el ne serra accessorie ne felon, car en le generalty de les dits parols del ley cēy de nō sanæ memorię, ne le infaunt, ne le feme fuerount include en entent. Et issint equitie correct le generalty del ley en ceux cases, et les parolx general sont per equitie abridge.

Lauter equitie est define en tiel maner, Æquitas est verborum legis directio efficiens cum vna res solummodo legis caetur verbis vt ōnis alia in æquali genere

death if they did knowe of the fact, yet notwithstandinge one doth such an act, and commeth to his wife whoe knowing thereof doth receiue him and giues him meat and drinke, shee shall not bee accessory nor felon, for in the generalties of the said wordes of ỹ lawe, he that is mad, nor ỹ infant, nor the wife were included in meaning. And thus equity doth correct ỹ generality of ỹ law in those cases, & the general words are by equitye abridged.

The other equitie is defined after this sorte, Equitye is when the wordes of the lawe are effectually directed, & one thing only prouided by ỹ wordes of the lawe, to the end ỹ all thigs of like kind may

may be prouided by the same. And soe when the words enact one thing, they enact all other thinges that are of lyke degree. As the statute which ordeines that in an actyon of dette against executours, hée that doth appere by distresse shall aunswere, doth extende by Equitie to Administratours, of them that doth nyst appere by distresse shall aunswere by equitie of the sayed act. Because they are of lyke kinde.

eisdem cauceatur versibus. Et issint quaunt les parolx enact vn chose, ils enact touts auters choses que sõt en sẽblables degrees. Sicome le statute que ordeygne que en action de det vers executours cesty que vitresse ent per distresse respondera, extendera per equitie al administratours, car cesty de eux que vyent primes per distresse restie per equitie del dit act, Quia sunt in æquali genere.

Soe lykewise the statute of Glocester geues the actyon of wast and the payne thereof, against hym that holdes for life, or yeres, and by

Issint le statute de Glouceſter done le action de vvait et le punishment de ceo vers cesty que tiẽt pur vie, ou ans, et per le-

quitie

equitie de ceo home
auera acc' d'waſt vers
ceſty q' tiēt forſq' pur
vn an, ou demi an, et
vnc' ceo eſt hors del
parolx del ſtatut, car
cēy q' tiēt forſque pur
demy an, ou vn an, ne
tient pur ans, mes c' ē
le entent, et les parols
q' enact lun p equity
enacteront lauter.

equitie of the ſame a man
ſhall haue an action of
waſte agaynſt hym that
holdes but for one yere,
or halfe yere, and yet ỹ
is without the wordes of
ỹ ſtatut, for he that holds
but for halfe a yeare, or
on yere, doth not hold for
yeares, but ỹ is ỹ mea-
ning, & the wordes ỹ enact
ỹ one by equitie, enact ỹ
other.

Eſcape.

EScape eſt en deux
ſorts. s. volūtary, et
necligent.

Voluntarie eſcape ē
quant vn arreſta auter
pur felony ou auter
crime, et puis luy leſ-
ſer aler ou il veult, cē
leſſer de luy aller eſt
vn voluntarie eſcape.
Et ſi larreſt de ceſty q̄
eſcape fuit pur felony
ceo ſerra dit felony ē
ceſtuy que luy leſſa

Eſcape.

EScape is in two ſorts,
that is to ſay voluntary,
& necligent.

Voluntary eſcape, is
when one doth arreſt an
other for felony, or other
crime, & after letteth him
go where he wil, this let-
ting of him to go is a vo-
lūtary eſcape. And if ỹ ar-
reſt of hī ỹ eſcaped were
for felony, thē ỹ ſhalbe fe-
lony in him ỹ did ſuffer ỹ
eſcape,

escape, and if for treason, then it shalbe treason in him, and if for trespas, then trespas, and so of other.

Negligent escape, is whē one is arrested and after escapes against the will of him that did soe arrest him, & is not freshly pursued and taken before the pursuer loseth ỹ sight of him, this shalbe said a negligent escape, notwithstanding, ỹ hee out of whose possession he escaped, do take hym after he lost sight of him.

There is an escape also without arrest, as if a murder be made in the day, and the murderer be not taken, then it is an escape for the which the towne where the murder was done shalbe amerced.

descap, et si pur treason, il serra treason en luy, et si pur tñs, donqs trespas, et sic de singulis.

treason. trespas.

Neglygent escape est quant vn est arrest et puis escape encoũter le volunt cestuy que luy arrest, et ne soit freshmēt pursue, et reprise deuant que le pursuour perda le vieu de luy, ceo serra dit negligēt escape nō obstant que cēy hors de que poss. il escape luy repriſt apres le vievv perdus.

negligent escape.

Il y ad vn escaꝑ auxi sauns arrest, come si vn murder soyt fayt en le iour, & le murderer ne soyt pris, dōques il est escape per q̄ le vill' ou le murder fuit fait serra amercy.

3 escape the towne amerced.

Esplees.

ESplees est sicome le seisin, ou poss. dun chose, pfit, ou cõmoditie q' est a prender: come dũ comõ les esplees est le prẽder del graſſe ou cõmon ples mouths de les beastes q' cõmon la: dun aduowſon le prend' de groſſe dismes, dũbois, le vender de boys, dũ orchard, le vender de pomes, ou auter fruit cressãts la, dun molin ẽ prisel de toll est les esplees, et d' tiels semblables.

Esplees.

ESples is as it were ỹ seyſin, or poſſ. of a thynge profit, or cõmodity ỹ is to be takẽ. As of a cõmõ ỹ esplæs is the takyng of the graſſe or comon by ỹ mouthes of the beaſtes ỹ cõmon there: Of an aduowſon the takynge of groſſe tythes: Of a wood, the ſelling of wood, of an orchard the ſelling of Aples or other fruit growing there: of a mill in taking of tol is the esplæs, and of ſuch like.

Essoine.

ESsoine ẽ lou vn actiõ est port, et le pl' ou defendant ne poit bien appearer al iour in court pur vn de v. causes de south expsses, donques il serra

Essoine.

ESsoine is where an actyon is brought, and the plaintife or defendãt may not wel appere at the day in court, for one of ỹ v. causes vnder expreſſed, thẽ he ſhalbe eſſoined

essoined to saue hys de-
faut, whereuppon note
well that there be v. ma-
ner of essoines, that is to
say, essoyne de ouster le
mere, and that is by xl.
daies, the second essoyne
is de terra sancta, & that
shalbe by a yere & a day,
& these two shalbee layd
in ỹ beginning of ỹ plee.
The iii. essoin is de male
vener, and that shalbee
at cõmon dayes, as the
action requireth, & this
is called ỹ cõmon essoin.
The iiii. essoyne is de
malo lecti, & that is one-
ly in a writte of right
and there vppon there
shall a writte goe out of
the Chauncerie, directed
to the shirife, that he shal
send iiii. knightes to the
tenaunt to see the te-
nant, & if he bee sicke, to
geeue him a day after a

essoyne de sauer son
defaut, vnd' nota que
sont v. maners de es-
soines, cestassauoir, es-
soiñ de oustre le mere
et ceo ẽ per xl. iours.
Le ij. essoyne de terra
sancta, et ceo serra pur
vn an et vn iour, et
ceux deux serront gist
al cõmenceñt d'l ple.
Le tierce essoiñ est de
male vener, et ceo ser-
ra al comen iours, cõe
laction require et cest
appel l'comen essoiñ.
Le iiij. essoyne est de
malo lecti, et c̃ est so-
lement en bryefe de
droit, et sur ceo issera
briefe hors de chaun-
cerie direct al vicoũt
que il maund'iiij. Chi-
ualers al tenãt de voi-
er le tenant, et sil soyt
malade, de doner a
luy ioure apres vn

an & vn iour. Le v. eſſoine eſt de ſeruice le roy, et giſt en touts actions forſq; en aſſiſe de nouel diſſeiſin, br' de dovver, darreine preſentment, et in appel de murder, mes in ceſt eſſoiñ, il couyent al iour de mõſtre ſon garraunt, ou auterment il tornera in vn def. ſil ſoyt in plee reall, ou il perdra xx. s. pur le iurney del pl' ou pl⁹ per diſcrec' des Iuſtices, ſil ſoit ẽ plee pſonel, vt patet p ſtatut de Gloc. cap. 8.

yere and a day. The eſſoyne is de ſeruice le roy, and it lyeth in al actions, except in Aſſyſe of nouel diſſeiſin, writ of dower, darein preſẽtment, & in appel of murder: but in this eſſoin, it behoueth at the day to ſhew his warrãt, or elſ it ſhall torne into a defaut, if it be in a pleere al, or hee ſhall loſe xx. ſ. for the plaintifs torney, or more by the diſcretion of the Juſtices, if it be in plee perſonal, as it appereth by the ſtatute of Gloceſter. ca. Octauo.

Eſtoppel.

EStoppel eſt quaunt vn eſt conclude et denie en ley de parler encounter ſon act ou fait demeſne niẽt obſtant il ſoit pur dire le

Eſtoppel.

ESkoppell is wher one is concluded, and forbidden in lawe to ſpeake againſt his owne act, or deede, yea, although it bee to ſay the truth.

truth: And of estoppels there are a great many, one for example is, whē I. S. is bound in an obligation by the name of Thomas Stile, or any other name, and is afterward sued according to ỹ same name put in the obligation, that is to say Thomas Stile, Nowe he shal not be received to say ỹ hee is misnamed, but shal be driuen to aūswere according to the name put in ỹ obligatiō ỹ is to say T. S. for peraduenture ỹ obligée did not know his name, but by ỹ report onely of the obligor himselfe: and in as much, as he is ỹ same man ỹ was bound: hee shalbe estopped & forbidden in law to say ỹ contrary against his owne deede: for otherwise he

veritie. Et de estoppels il y ad vn graūd number, vn pur exāple est, quant Ioh. Sti. est obligé en vn obligac' per le nosme de Thomas Stile, ou ascū auter nosme, et est aſs sue accordant al m̄ le nosme mise en oblig. cē adire, Thomas Stil' ore il ne serra receyue adir' q' il est misnosm̄, mes serra chase a respōder accordant al nosme mise en oblig. cest adir' Thom̄ S. car peraduenture obligee ne scauoyt pas sō nosme, mes il report tantsolem̄t del oblig. m̄. Et entant q' il est m̄ le hōe q̄ fuit oblig', il serr' estopp̄ et deny ē ley, pur dir' l'cōtrary encoūter son fait demesne, car auterm̄t il

puit prend' aduãtage de ſon tort demeſne, l' q̃l l' ley ne voet ſuffrer vn hõe de faire.

might take aduauntage of hys owne wrong, which the lawe wyl not ſuffer a man to doo.

Auxi ſi le file que eſt tantſoleñt la lheire ſõ papier, voet ſuer liuerie oue ſa ſoer que eſt vn baſtard', el ne ſerra apres receiue pur dire q̃ ſa ſoer ẽ vn baſtard, entant q̃ ſi ſa baſtarde ſoer priſt le moitie del terre oue luy, il ny ad remedy per le ley.

Alſo if the daughter ỹ is onely heire to her father, will ſue liuery with her Sifter that is a baſtard: ſhe ſhal not afterward be receiued to ſay ỹ her Sifter is baſtard: inſomuche that if her baſtard ſiſter take halfe ỹ lãd w̃ her, there is not remedy by law.

Item ſi vn home ſeiſie de terr' en fee ſimple, voet prender vn leas pur ans de meſme le terre dun eſtranger per fayt endent, ceſt vn eſtoppel durant le time des ans. Et le leſſee eſt per ceo barre a dire le veritie. Car le veritie eſt, que il que leſſa le terre nad riens

Alſo if a manne ſeyſed of landes in fee ſimple, wyll take a leaſe for yeares of the ſame land of a ſtraunger by deede indented, this is an eſtoppel during ỹ terme of yeares. And the leſſee is thereby barred to ſay the trouth, for the troth is, that he that leſſed the land had nothynge in it

in it at time of the leaſe made, and that the fee ſimple was in hym that did take ỹ leaſe: but this hee ſhall not bee receyued to ſay, tyll after the yeares are determined, becauſe it appereth that hee hath an eſtate for yeares, and it was his folly, to take a leaſe of hys owne landes, & therefore ſhall thus bee punished for his folly.

en ceo al tẽps del leas fait, et que le fee ſimple fuit en luy que priſt le leas, mes ceo il ne ſerra receyue a-dire, tanque apres les ans ſerra determine, pur ceo que il appiert que il ad vn eſtat pur ans. Et il fuit ſõ folly de prender vn leas de ſes terres dem̃, et pur ceo ſerra iſſint puny pur ſa folly.

Eſtraungers.

EStraungers are they, that are not parties, nor priuies to the leuyinge of a fine, or making of a deede.

Eſtraungers.

EStraungers ſount ils que ne ſoũt parties, ne priuies al fine leuie, ou feſauns dun fayt.

Eſtray.

EStray, is where any beaſt or cattell, is in

Eſtray.

EStray, eſt lou aſcun beaſt ou cattel, ẽ in

aſcũ ſeignioury, et nul conuſt le owner de c̃ dõq; il ſerra ſeiſi al oeps le royne, ou le ſñr q̃ ad tiel eſtraye per graũt l' royne ou per preſcripc', et ſi le owner viẽt et fait claime a ceo deyns vn an et vn iour, donq̃s il le reaũa paiant pur ſon viand', ou autermẽt aps an, la ꝓperty de c̃ ſerra al ſñr, iſſint que le ſñr face proclamation de ceo accordant a le ley, en deux market villes.

any lordſhippe, and none knoweth ẏ owner therof, then it ſhalbe ſeiſed to the vſe of the Quéene or of the Lord ẏ hath ſuch eſtray by the Quéenes graunt or by preſcription: & if the owner come & make claime thereto, within a yeare & a day, then hée ſhall haue it againe paying for hys meate, or els after the yere, the propertie therof ſhalbe to the Lorde, ſo that the Lord make proclamatiõ therof accordig to the lawe in ii. market townes.

Excommengement.

Excommengemẽt, eſt quant vn hõe ꝓiudgment en le ſpyrituall court eſt accurſe, dõques il ẽ diſabl' de ſuer aſcun action en le court le royne, et ſil remayne excõmenge

Excõmunication.

Excõmunicatiõ, is whẽ a man by iudgment in the ſpirituall court is accurſed, thẽ he is diſabled to ſue any accyon in the Quéens court, & if he remaine excommunicate

rl.

xl. daies, & will not be iustified by his Ordinarie, then the Bishoppe shall sende hys letter patent to the Chauncellour, and thereupon it shalbe commaunded to the sheriffe to take the body of hym yt is accursed, by a writte called de Excommunicato capiendo til hee hath made agreement wyth the Church for the contempt and wronge, and when hee is iustified and hath made greement, then the bishop shal send his letters to ỹ Quéene, certifiyng the same, and then it shalbe commaunded to the shirife to deliuer him by a writ called Excommunicato deliberando.

xl. iours, & ne voyle eſte iuſtifie p ſon Ordinary, donq̄ leueſq̄ maūdera ſa letter patent al Chauncellor, et ſur ceo ſerra maūd al vic. de prender le corps lexcommengee p vn briefe appell de Excōmunicato capiendo, ieſque il ad fait gree al eſgliſe pur le contempt & tort, & quaunt il eſt iuſtifie, & ad fait gree, donques leueſque maunder' ſa letter al royne certifient ceo, et donques ſerra maunde al viſcount de luy deliū p vn br' appel de Excommunicato deliberando.

Exchange.

EXchaunge, is where

Exchaunge.

EXchaunge, eſt lou

vn

vne home eſt ſeiſi de
certeine terre, et vn
auter home eſt ſeiſie
de auter terre, ſi ils
per vn fayt endent
ou ſauns fayt (ſi les
terres ſount en vne
countye) exchaunge
lour terres, iſſint que
cheſcun de eux auera
aut' terre a luy iſſynt
exchaunge en fee, fee
taile, ou terñ de vie,
ceo eſt appel vn ex-
chãge, et eſt bon ſans
liuerye et ſeiſine. Et
in exchaunge il co-
uient que les eſtates
a eux limitte per lex-
change ſount egalles,
car ſi vne ad eſtate in
fee in ſa terre, & lau-
ter ad eſtate in auter
terre forſq; pur terme
de vye, ou en tayle,
donques tiel eſchange
eſt voyde, mes ſi les

a man is ſeyſed of cer-
taine land, and an other
manne is ſeyſed of o-
ther lande, if they by
deede indented, or with-
out deede) if the Landes
be in one ſelfe countie,
exchaunge the landes,
ſo that euery of them
ſhal haue others landes
to hym ſo exchaunged,
in fee, fee tayle, or for
terme of lyfe, that is
called an exchaunge, and
it is good wythout ly-
uere and ſeyſin. And in
exchaunge it behoueth
that the eſtates to them
limitted by therchange
be equal, for if one haue
an eſtate in fee in hys
land, and the other hath
eſtate in the other land
but for terme of lyfe, or
in tayle, then ſuch ex-
chaunge is void, but if ỹ
eſtates

estates bée equal, and the landes bée not of equal value, yet the exchange is good. Also an exchange of rent for Landes is good, soe an exchange betweene rent and common is good and that ought to bée by déede. And it behoueth alway, that these wordes (exchange) bée in the déede, or els nothing passeth by the déede, except that hée haue liuery and seisin.

estates sont egalles, et ses terres ne sont de egal value, vncore lexchâge est bõ. Auxi vn exchange de rent pur terre est bõe. Issint exchaunge inter rent & comen est bon, et ceo couient este per fayt. Et il couient toutes foits que ceux parolx (exchange) sont en le fait, ou auterment ryens passa per le fayt sinon que il ayet liuere & seisin.

Execution.

Execution is where iugement is geuen in any action that the playntife shal recouer the land, the debt, or dammages, as the case is, and whẽ ỹ writ is awarded to put him in possession; that

Execution.

Execution, est lou iudgement est dõe en ascun actiõ que le plaintife recouera la terr', le det, ou damages, come le case est, et quant ascun bryefe est agarde de luy mitter en possession, ceo

est

eſt appel briefe de ex-
ecution, et quaunt il
ad le poſſeſſion de le
terre, ou eſt paye de
dette ou dammages,
ou ad le corps le def.
agarde al priſon, dõ-
ques il a d executiõ, &
ſi le ple ſoit en coũty
ou court barron ou
hundred, & ils alye-
nont le iudgement en
fauour del partie, ou
per auter encheaſon,
donq; le demaundant
auera briefe d' Execu-
tione iudicij. Mes en
briefe de dette home
nauera recouerie de
null' terre, mes de cel
que le defendaunt a-
uoit ioure de iudge-
ment rendue. Et de
chateux home auera
executyon ſolement
des chateux, queux il
auoit iour de execu-

is called a writte of Ex-
ecutyon, and when he
hath the poſſeſſion of the
lande, or is payed of the
debt, or dammages, or
hath the bodie of the de-
fendant awarded to pri-
ſon, then hee hath exe-
cutyon, and if the ple
be in the countie, or court
barron, or hundred, and
they deferre the iudge-
ment in fauoure of the
partie, or for other cauſe,
then the demaundaunt
ſhal haue a writ of Ex-
ecutione iuditij. But in
a writ of Debt, a man
ſhal not haue recouerye
of any lande, but of that
whiche the defendaunt
hath the day of the iuge-
ment yelded. And of
chatteles a manne ſhall
haue executyon onelye
of the chatteles which
hee hath the day of execu-

tion

tyon sued.

Executour.

EXecutour is when a man maketh his testament and last will, and therein nameth the persone that shall execute his testament, then hee that is so named, is hys executour, and such an executour shall haue an actyon agaynst euerye debtour of hys testatour, and if the executors haue assets, euery one to whō the testator was in debt, shall haue an action agaynst the executor, if hée haue an obligatiō or specialtie, but in euery case where ỹ testator might wage his lawe, no actiō lieth against the executour.

Extinguishments.

tion sue.

Executour.

EXecutor est quant home fait son testament et darreine volunt. et in ceo nosma le pſō q̄ executera son testamēt, donq̄ cesty que est issint nosm̄, est son executour, et tiel executour auera action vers chescū dettour de son testatour, et si lexecutor ad assets, chescun a q̄ le testatour fuit in dette auera action vers lexecutours sil ad obligation ou especialty, mes en chescun case lou le testatour puissoit gager son ley, nul acc̄ gist vers executour.

Extinguishment.

Ex-

EXtinguishment eſt lou vn ſeigniour dun manor ou aſcun auter ad vn rent iſſant daſcun terre, et il purchaſe meſme la terre, iſſint que il ad tiel eſtate en la terre, come il auoyt en le rent: donques le rent eſt extinct pur ceo que vn ne puyt auer rent iſſuant hors de ſon terre demeſne. Et quant aſcun rent ſerra extient, il couyent que le terre et le rent ſount en vne maine, & auxy q̃ leſtate que il ad ne ſoyt defeſible, et que il ad auxi bon eſtate en le terre, come en le rent, car ſi il ad eſtate en le terre forſque pur terme de vie, ou dans, et ad vn fee ſimple en le rent,

EXtynguiſhement is where a Lorde of a manor or any other, hath a rent goynge out of lande, and hee purchaſeth the ſame lande, ſoe that hee hath ſuch eſtate in the lande as hee hath in the rent, then the rent is extinct, for that, that a manne may not haue rent goinge out of hys owne lande. And when any rent ſhalbee extinct, it behoueth that the lande and the rent bee in one hande, and alſo that the eſtate that hee hath bee not defeſible: and that hee haue as good eſtate in the lande as in the rent, for yf hee haue eſtate in the lande but for terme of lyfe or yeares, and hath a fee ſimple in the rent,

then

then the rent is not extinct but is in ſuſpence for that tyme, and then after the terme, the rent is reuiued. Alſo if there bée Lords, meſne, and tenaunt, and the Lorde purchaſeth the tenauncy, then the menaltie is extinct, but that meſne ſhall haue the ſurpluſage of the rent, if there bée any, as a rent ſecke. Alſo if a manne haue a hye waye appendant, and after purchaſe the lande wherein the hye way is, then the waye is extinct, and ſoe it is of a common appendaunt.

donques le rent neſt extinct, mes eſt en ſuſpence pur cel tẽps, & donques apres le terme le rent eſt reuiue. Auxy ſi ſoit ſeigniour, meſne, et tenãt & le ſeigniour purchaſe la tenauncye, dõques le menalty eſt extinct, mes le meſne aũa la ſurpluſage de rent, ſi aſcun ſoit cõe vn rẽt ſecke. Auxi ſi home ad chimin appendant, & puis purchaſe le terre en q' le chimin ẽ, donq; le chimin ẽ extinct, et iſſint ẽ de vn cõen appenddant.

Extortion.

EXtortion is a wronge don by an officer, as a Maier, Bailiffe, Sherife,

Extortion.

EXtorc̃ ẽ vn tort fait p vn officer, come vn Maier, Bailiffe, Viſc', Eſchea

Eſcheator ou auter officer, colore officij ſui, en prendrans exceſſiue revvarde, ou fee, pur executiō de ſō dit office ou auterment, et nē aut' choſe en fait q' plaiñ robberie, mes plus odible q̄ robberie, car robberie eſt apparant, et toutes dits ad oue lui le coū-tenaunce de vice, mes extortiō eēāt cy haut vice cōe robberie eſt, port oue luy vn coū-tenance d' vertue, per reaſon de que il eſt le plus dure deē trie, ou diſcerne, et pur ceo le plus odible. Et vncor' aſcūs il y ad q' ne voi-lēt demre, mes ſtretch lour office, credit, et conſcience pur pur-chaſer money, cybiē per extortion, come

Eſcheator or other offycer by colour of hys office, in takinge excelſiue reward or fee, for fee, for executyon of hys layde office or otherwyſe, and is no other thynge in deede then playne robberie or rather more odius then robbery, for robberie is apparant, and alwaies hath wyth it the countenance of vice, but extortion being as great a vice as robbery is, carrieth w̄ it a countenance of vertue, by meanes whereof, it is the more hard to be tryed, or dyſcerned, and therefore the more odious, and yet ſome there bee, that will not ſticke to ſtretch their office, credit, and conſcience, to purchaſe mony as well by extortion as other-

otherwise according to ỹ auterment, accordāt saying of ỹ poet Virgil. al disans de le poet
What can be told? or Virgil.
what is that that hūger Quid non mortalia pectora cogit auri
swēte of gold doth not sacra fames?
constraine men mortal
to attempt?

Failing of record. *Failer de record.*

FAilynge of recorde, is when an action of tresp̄as, or such like, is brought against one, and the defendaunt sayeth, that the plaintife before this brought an accyon for the same tresp̄as in an other court, & recouered damage &c. And demaūdeth iudgmēt of the court, if he shall agayne haue this actiō &c. And ỹ plaintife sayth there is noe such record. Where-upō ỹ defendant hath a day giuē him, to bring in the record, at which day he sayleth or bryngeth

FAyler de record, ẽ quant vn actiō de trñs ou tiels sẽblables, est port enuers vn, et le def. dit, q' le pl' de-uant ceo, port vn acc' pur m̃ le trñs, en auter court, et recouer dam̃ &c. Et dd' iudgemēt del court sil auera arrere cest actyon &c. Et le playntife dit nul tiel recorde, sur que le def. ad iour done a luy, pur amesner eins le record, a q̃ iour il fayle: ou amesne eins

M.j.

eins vn tiel, q' nē barr' al ceſt action, dōques il eſt dit de fayler de recorde, et ſur ceo le playntife auera iudgment de recouer &c.

in ſuch a one, as is not barre to this action, the he is ſaid to faile of hys record, and therupon the plaintife ſhal haue iudgment to recouer &c.

Fayt.

FAyt eſt vn proue, et teſtimonie de le agreement del partie que fayt il eſt, al choſe contayne en le fayt: Come vn fayt de feoffemēt eſt vn proue del liuery de ſeiſin, car le terre paſſa per la liuerie de ſeyſin, mes quant le fayt et le liuerie eſt ioint enſemble, ceſt vn proue del liuerie, et que le feoffour eſt content que le feoffee auera le terre.

Deede.

DEede is a proofe and teſtimonie of the agrement of the partye whoſe deede it is, to the thing contayned in the deede: as a deed of feoffement is a proofe of the liuery of ſeyſin: for ỹ land paſſeth by the liuery of ſeyſin, but when ỹ deede and the liuery are ioyned together, that is a proofe of the liuery, and that the feoffour is content, that the feoffee ſhal haue the land.

Et nota que toutes faits ſount ou indent, de q̄ il ad deux, troys,

And note that al deedes are either indēted, whereof there bee two, three,

or

or more as the case requireth, of which ỹ feoffour, graunto*r*, or lessour hath one, the feoffee, grãtee, or lessee an other, and peraduenture some other body also another &c. or els they are poll dædes or single, and but one, which the feoffee grauntee or lessee hath &c.

ou pluſours, come le caſe require, de que le feoffor, grauntor, ou leſſour ad vn, le feoffee, graũtee, ou leſſee vn aut', et peraduent' aſc' auter perſon auxi vn aut', &c. ou auter-mẽt ils ſont fayts pol, ou ſingle, et forſq; vn, le q̃l le feoffee, grauntee, ou leſſee ad &c.

And euery deede conſiſteth of three principal points (and if thoſe three be not ioyned together, it is noe perfect dæd to bynd the parties) namely, writinge, ſealing, and deliuery.

Et cheſcun fait conſiſt de troys principal choſes (et ſils troys ne ſount ioine enſemble, il neſt perfect fait de lier les parties) noſmẽt, eſcripture, ſigillation, et deliuerie.

The firſt point is writting, whereby is ſhewed ỹ parties names to the dæd, their dwelling places, them degrees, ỹ thing graũted, vpõ what cõſideratiõs, the ſtate limitted,

Le primer point eſt eſcripture, p̃ q' eſt declar les noſmes del p̃ties al fait, lour habytatiõ, lour degrees, le choſe grãt, ſur q̃ux cõſiderac', leſtate limit,

le temps quant il fuit graunt, et ſi ſimplemẽt, ou ſur condition, oue auters tiels ſemblables circũſtances, mes ſi les parties al fayt, eſcript en le fine lour noſmés demeſñ, ou miſe a ceo lour markes (cõe il eſt cõmunement vſe) il ne fait aſcũ matt' (cõe ieo ſuppoſe) car ceo neſt entende ou il eſt dit que cheſcũ fait couient de auer eſcripture.

the tyme when it was graunted, and whether ſimply, or vpon condition, with other ſuch lyke circumſtãces. But whether the parties vnto the deede, writ in the ende their owne names, or ſet thereto their markes (as it is cõmonly vſed) it maketh noe matter at all (as I thinke) for that is not ment where it is ſayde, that euerie deede ought to haue writynge.

Le ſeconde poynt eſt Sigillation, que eſt pl' teſtimony de lour conſents al ceo containe en le fait, come appiert per ceux polx: In cuius rei teſtimonium &c. touts foites miſe en le fiñ d' fayts, ſauns queux parolx, le fayt eſt inſuffycient.

The ſecond poynt is ſealinge, which is a farder teſtimony of their conſents to that contained in the deede as appereth by theſe wordes: In witneſſe whereof &c. alwayes put in the later end of deedes, wythout whych wordes, ỹ deede is inſuffycient.

And

And because we are about sealing and signing of dœdes, it shal not bee a misse, (brother Nicholas) here to shewe you, a mr'e antiquities sake, the maner of signing & subscribing of dœdes, in our auncestors the Saxons tymes, a fashion different from that wée vse in these our dates in this, that they to their dœdes subscribed their names (commonly addinge the signe of the crosse) and in the end did set downe a great number of witnesses, not vsing at that time any kynde of seale. And wée at thys day for more suerty, both subscribe our names (although that bée not very necessary as I haue afore sayde) put to our

Et pur ceo q' no⁹ subscription & signing m⁹ ẽ sigillat' et sining de faits, il ne serra de hors (frere Nich.) icy mour de antiquitie, le mañ de signing et subscribing de faits en nr' auncestors les Saxons temps, vn fashiõ different de ceo que nous vse en ceux nr' iours, en c' q' ils a lour fayts subscribe lour nosmes (cõmunemẽt adding l' signe del crosse) et en le fine mise vn graũd number des testimonies, nyent vsant a cel temps ascun maner de sigil. Et nous a ceste iour pur plus suertie, auxibien subscribe nostre nosmes (nient obstant c̃ nest mult necessar' cõe ieo ay deuãt dit) mise nr'

ſigils, et vſe le aide de teſtimoignes auxy.

Ceſt primer faſhion ount contynuaunce per tout tanque al temps del conqſt per les Normãs, que maners per petit et petit al darrayne preuayle ẽter nous: Car le primer Charter ſigil en Engleterre eſt penſe deſte ceo del roy Ed. le confeſſor al Abbey de Weſtminſter, que (eſteaunt educate en Normandy) port en ceſt realme ceo, et aſcun auter d' lour guiſes oue luy. Et apres le veniãs de Guillam le Cõqueror, les Normans eſtemans de le cuſtome de lour paies (come naturalment toutes nations ſount) reiect le manner que il s trouõt cy, et retciñ

ſeales, & vſe the helpe of teſtimony beſides. That former faſhiõ continued throughout, vntyll the tyme of the conqueſt by the Normans, whoſe maner by litle and litle at the lẽgth p͛uayled amongſt vs, for the firſt ſealed Charter in Englande, is thought to bee that of king Edward the confeſſour to the Abbey of Weſtminſter: who (beinge brought vp in Normandy) brought into this Realme that, and ſome other of their guiſes with him: And after the comminge of William the Conqueror, the Normans, lykynge their owne countrey cuſtome (as naturally all nations do) reiected the maner ỹ they found here, and retcined

their

their owne, as Ingulphus, ỹ Abbot of Croyland, who came in with the conqueſt witneſſeth ſayinge: The Normans doe chaunge the making of writings, which were went to bee firmed in England with Croſſes of Gold, and other holy ſignes, into the printing ware, and they reiect alſo the maner of ỹ Engliſh writing. Howebeit this was not don all at once but it increaſed & came forward by certen ſteppes and degrées, ſo that firſt, and for a ſeaſon, the kinge onely, or a fewe other of ỹ nobilitie beſides him, vſed to ſeale: Then ỹ noble men for the moſt part, and none other, whych thinge a manne may ſée in the hyſtory of

lour proper, come Ingulphus le Abbot de Croyland que vyent cins oue le conqueſt teſtimoygne, diſens: Normani, cheirographorũ confectionem, cum crucib. aureis, et alijs ſignaculis ſacris, in Anglia firmari ſoliũ, in ceræ impreſſionẽ mutant, modũque ſcribendi Anglicũ reiiciunt. Mes niẽt obſt' ceo ne fuit fait tout al vn tẽps, mes il ẽcreaſe et vient eins p certein ſteps et degrees, iſſint que primes et pur vn ſeaſon le roy ſolemẽt ou vn peu auters d'le nobility ouſtr' luy vſe de ſigiller, donques le noble homes pur le pl⁹ part et nul auters, q̃l choſe vn hõe poet voier en le hiſtory de

Battel Abbey ou Richard Lucy chief Iuſtice de Engleterre en l' temps del roy Henry le ſeconde eſt report d' auer blame vn meañ ſubiect pur ceo que il vſe vn priuate ſigill quant ceo pertayne (come il diſt) al roy et nobility ſol'ment. Al q̃l tẽps auxi (cõe Iohn Roſſe note ceo) ils vſe de ingraue en lour ſigils, lour pictures demeſñ, et coũterfaits couer oue vn lõge tunicle ſup lour Armours. Mes apres ceo les Gentlehomes del meliour ſort priſt le fashion, et pur ceo q' ils ne fueront touts guerrours, ils feſoient ſigilles engraue oue lour ſeuerall coates, ou shieldes de armes,

Battell Abbey where Rycharde Lucy chyefe Iuſtice of England in the time of king Henry the ſecond is repoꝛted to haue blamed a meane ſubiect, foꝛ that hee vſed a priuate ſeale when as that pertayned (as he ſayde) to the kyng and nobilitie onely. At which time alſo (as Iohn Roſſe noteth it) they vſed to ingraue in their ſeales, their owne pictures, & counterfaites, couered wyth a longe coate ouer their Armours. But after this the Gentlemen of the better ſoꝛt toke vp the faſhion, and bee-cauſe they were not al warriours, they made ſeales ingrauen wyth their ſeuerall Coates, oꝛ shyeldes of armes,

foꝛ

for difference sake, as the same authour reporteth. At the length, about the time of kinge Edwarde the thirde, seales became very comon, soe that not only such as bore armes vsed to seale, but other menne also fashioned to them selues signets of their owne deuise, some takynge the letters of their owne names, some flowers, some knottes, & floryshes, some birdes, or beastes, and some other thinges, as we nowe yet dayly beholde in vse. Some other maner of sealinge beesides these haue ben herd of amonge vs, as namelye that of king Edward the third by which he gaue, To Norman ỹ hunter, the hop & the hoptowne, with al the boundes vp

pur difference cõe m̃ le authour report. Al darraigne, al tẽps del roy Edward le tierce, sigils fuerõt mult cõ- mon, issint que non solemẽt tiels que portant armes, vse de si- giller, mes auters hões auxi fesoyent al eux m̃s, signets de lour deuise demesne, ascuns prendrans les letters de lour nosmes dem̃, ascũs flores, ascuns et florishes, ascuns aues, ou beasts, et ascũs autets choses, come no⁹ ore vnc' iournalment voier ẽ vse. Ascũs aut' man d' sigillac' ouster ceux ad cẽ oyer enter nous, cõe nosmẽt ceo de roy Ed. le 3. p q̃l il dõe, Al Normã l' hũt', le hop, et le hop ville oue touts le bõds vp-

Edward 3 seales common'

side

side dovvne, Et en
Testmoyne q' il soyt
veray, il morde l'cere
oue son fong dent.

side downe, And in wit-
nesse that it was soth,
he bit the waxe with his
foze toth.

Le semblable de cē
(frere Nicholas) nr'e
reuerend & bon pier,
enter auters antiqui-
ties pur ma purpose,
monstre a moy, en vn
loose cart, mes non
moult auncientmt es-
cript, et pur c̄ il voile,
q'ieo esteema de ceo
come ieo pense bien,
il fuit come ensue.

The like to this (Bzo-
ther Nicholas) our re-
uerend and good father,
amonge other antiqui-
ties seruing my purpose,
shewed mée in a lose pa-
per, but not very aūtiēt-
ly wzytten, and there-
foze hée willed mée to es-
téeme of it as I thought
good, it was as follo-
weth.

Ieo Guillam King
done a vous powlen
Royden, ma hope et
ma hop terres, oue
touts les boundes vp
et dovvne, de ceole
al terre, de terre al in-
fern̄, pur voy et vr'es
a demrer, de moy et
mes, al toy et vr's, pur
vn arke et vn brode

I William king gene
to thée Powlen Roiden,
my hope and my hop-
landes, with the boundes
vp & downe, from hea-
uen to earth, from earth
to hel, foz thée and thine
to dwel, from mée and
mine, to thée and thine,
foz a bowe and a bzode
ar-

ſagit quãt ieo veigne pur hũter ſur yarrowe, En teſtmoigne que ceo eſt veray, ieo mord ceſt cere oue ma dent, En la prence de Magg, Maud, & Margery. Et mon iij. fits Henry.

Item ceo de Alberic de veer, conteinaunt le donation de Hatfield, al quel il fixe vn curt noyer haft cuttell ſemblable al vn viel demy denierwhitle, en ſtede de vn ſigille, oue diũs tiels ſẽblables. Mes aſc' peraduenture voilent pẽſe q' ceux fueront receiue en common vſe et cuſtome, et que ils ne fueront les deuiſes & pleaſures dun peu ſinguler perſons,

arrowe, when I come to hunt vppon yarrowe In witneſſe that this is ſoth, I bite this ware with mye toth, In the preſence of Magg, Maude, and Margery, and mye thyrde ſonne Henry.

mord de ceo ma dent

Alſoe that of Alberic de veer, conteyninge the donation of Hatfield to the which hee affixed a ſhort blacke hafted knicke, like vnto an olde halpenie whitle, in ſtede of a ſeale, with diuers ſuch lyke. But ſome peraduenture will thinke that theſe were receyued in common vſe and cuſtome, and that they were not rather the deuyſes and pleaſures of a fewe ſinguler perſonnes,

bites all grauntz le Roy.

Sigill de Jouan de Hatfild.

ſuch

tiels ne sõt meines deceiue, que ils q' pensõt cheseun charter et escript q' nad sigille annexe, dée cy auncient come le conqueſt, lou (en veritie) sigillatiõ ne fuit cõmunement vse tanq̃ al temps del roy Edward le iij. cõe ad este dit.

such are no lesse deceiued, then they that deme euery charter and writinge that hath no seale annexed, to bee as auncient as the Conqueſt, whereas (in deede) sealinge was not commonlie vsed, til the tyme of kinge Edward the iij. as hath ben already saide.

Le tierce poynt est deliuerie, quel nient obstãt il soit mise darraine, nest le meinst, car aps q' vn fait soit escript, et sigil, sil ne soit deliuer, tout le residue ẽ a nul purpose, Et cest deliuery doyt este fayt per le partie mẽ, ou sõ sufficiẽt garrant, et issint il luy liera quecunq̃ escript, ou sigille ceo, et per cest darraigne act, le fait est fait perfect ac-

The third point is deliuery, which although it be set last, is not the least for after that a deede bee written, and sealed, if it be not deliuered al ỹ rest is to noe purpose. And this deliuery ought to be done by the partye him selfe, or his sufficyent warraunt, and so it shall binde him, whosoeuer wrot, or sealed the same, and by this last act the deede is made perfect ac-

cor-

wding to the intent and effect thereof, and therefore in deedes the deliuerie is to be proued &c. So thus you see, ỹ writinge & sealing without deliuery, is nothig to purpose, That sealing & deliuery, where there is noe writinge, worketh nothing, Nor writinge and delyuerie wythout sealinge also maketh noe deede. Therefore they al ought ioyntlye to concurre to make a perfect deede, as is before said.

cordant al entent et effect de c', et pur c' ẽ faits le deliũy est dẽe proue &c. Issint poies voier q' escript', et sigillac' sans deliũry est a nul purpose, Quesigillation et deliuerie, lou nẽ asc' escripture worke nul chose, Ne escriptur' et deliũy sãs sigillatiõ auxi, fait nul fait. Et pur c' ils tout doient iointmẽt concurre pur fair' vn perfect fait, cõe est auantdit.

Farme, or ferme.

FArme, or ferme, is the chiefe mealuage in a billage, or towne, and thereto belonginge great demeasnes of al sortes, & hath bene vsed to be let for terme of life, yeres,

Farme ou Ferme.

FArme, ou ferme, ẽ le cheefe mesuage en vn vyllage, ou towne, et a ceo appur tenaunt graunde demeasnes d'touts sorts, et ad ẽe vse deste lesse pur terme de vie, ans,

ou

ou a volunt.

Item le rent que ē reſerue ſur tiel leas, ou ſemblables, eſt appel, farme, ou ferme.

Et farmour, ou fermor, eſt celuy q' occupia le farme, ou ferme ou eſt leſſee de ceo.

Auxi en aſcē lieus, & counties, cheſcun leſſee pur vie, ans, ou al volūt, nient obſtāt il ſoit dū petite cottage, ou meaſ. eſt appel farmor, ou fermor.

Et nota, q' ils ſount appels farmes, ou fermes, del Saxon parol, Feormian, q' ſignifie pur feede, ou render victual. Car ē aūcient tēps, lour reſeruatiōs fuer' cibū (ou pur le plus part) en victuall ꝯe argent, tanque al darreine, et ē princi-

or at will.

Alſo the rent yis reſerued vpon ſuch or like leaſes, is called farme, or ferme.

And farmor, or fermor is he that occupieth the farme, or ferme, or is leſſee thereof.

Alſo in ſome places, & counties euery leſſee, for life, yeres, or at will, although it be of neuer ſoe ſmal a cottage or houſe, is called farmor, or fermour.

And note, that they are called farmes, or fermes, of ye Saxon word *Feormian*, which ſignifieth to feede, or yelde victuall. For in the auncīēt time, their reſeruations were as well (or for the more part) in victualles, as money, vntyll at the laſt, and that chiefely

lyn the time of Kinge Henry the first (by agreement) the reseruation of victuals, was turned into redy mony, & so hitherto hath cõtinued amonge most men.

palmt ẽ le tẽps del roy Henry l'prim (p agremt) le reseruac de victuals, fueront conũt ẽ redy argent, et issint vnc' ad cõtinue ẽt' le plus homes.

Fee farme.

FEe farme is when a tenaunt holdeth of his lorde in fee simple, payinge to him the value of halfe, or of the third, or of the fowerth part or of other part of the lande, by the yere. And he that holdeth by fee ferme, ought to doe noe other thinge then is conteyned in the feoffement, but onely fealtie, for that belongeth to al kinde of tenures.

Fee farme.

FEe ferme, est quant vn tenant tiẽt de sõ seignior en fee simple rendaunt a luy le value del moitie, ou de tierce party ou quater party, ou de auter parte del terre, p an, & q̃ tient en fee fermẽ ne doyt faire auter chose, mes sicome est contein en le feffemẽt forsq̃ fealtie, car ceo appent a touts mañs tenures.

fealty appe an touts ma tenures

Feoffement.

FEoffement is where a mã geueth lands to an

Feoffement.

FEoffement est lou vn done terre a vn

auter

ter en fee ſimple, & il deliuer ſeiſin et poſſeſſion del terre, ceo eſt vn feoffement.

other in fee ſimple, and deliuereth ſeiſin and poſſeſſion of the land, that is a feffement.

Feffor & feffee.

FEoffor eſt celuy q' enfeoffe, ou fait feffement al aut' de terres ou tenẽts, en fee ſim. Et feffee ẽ celuy, q' eſt en feoffe, ou a q'le feffement eſt iſſint fait.

Feoffor, et feffee.

FEoffor is hee that infeffeth, or maketh a feoffement to an other of landes, or tenements, in fee ſimple. And feoffee is he, who is infeffed, or to whõ ỹ feffement is made.

Fireboote.

FIreboote eſt neceſſarie boys pur arder, quel per le comõ ley, leſſee pur ans, ou pur vie, poyt prender en ſon terre, nient obſtaunt il ne ſoit expreſſe en ſon leas, et nient obſtaunt il ſoit vn leas par parol tantũ ſauns fait. Mes ſil

Fireboote.

FIreboote is neceſſarye woode to burne, which by the common lawe, leſſee for yeares, or for lyfe, may take in hys grounde, although it be not expreſſed in his leaſe: and although it be a leas by woode onely without writinge: But yf hee

take more then is rēde- priſt plus q̄ beſoigne, waſte.
full, he ſhalbee punished il ſerra puny en waſt.
in waſt.

Fledwite.

Fledwite,

FLedwite, that is to be quite from amercements when an outlawed fugitiue cōmeth to the kinges peace of hys owne will, or beinge licenced.

FLedwite, hocē quietum eſſe de amerciamētis cum quis vtlagatus fugitiuus veniat ad pacem domini regis ſponte, vel licentiatus.

Flemeſwite.

FLemeſwite, that is, ỹ you may haue the cattel, or amercementes of your man or fugitiue.

FLemeſwite, hoc eſt quod habeatis catalla ſiue amerciamēta hominis veſtri fugitiui.

Fletwit.

FLetwit (or Flitwit) that is to bee quit frō contention and conuicts and that you may haue plea therof in your court & the amercements, for (Flit) in english is Tenſone in french.

FLetwit (ou flytwit) hoc eſt quietū eſſe de contentione et conuictis, et quod habeatis placitum inde in curia veſtra et amerciamēta, quia (flit) anglice Tenſone gallice.

Forstall.

FOrstall, hoc ẽ quietũ esse de amerciamentis et cattallis arrestatis infra terram vestram, et amerciamẽta inde ꝓueniẽtia.

Forestaller.

FOrstaller est celuy q̃ achate blees, aũs, ou aut' marchandize q̃cũq; est vendibl', p le chimen q̃nt il vient al mkets, faires, ou tyels sẽblables lieus deẽvẽd al intent que il poet vender ẽ auterfoits al vn plus haut et chare price, en preiudice et damage de le commõ weale et people &c.

Le penaltie pur ceux q̃ux sõt cõuict de ceo, &c. en le priñ temps amercemẽt, et le pard del chose issint achat'.

Le seconde temps iudgment d'l pillory.

Forstal.

FOrstal, that is to be quite of amercemẽts & cattelles arrested wiñ your lande, & the amercements therof cõming.

Forstaller.

FOrstaller is hee that buieth Corne, Cattel, or other marchaundize whatsoeuer is salable, by the way as it commeth to markets, faires, or such like places to bee sold to the intent that he may sel the same againe at a more high and deere price in preiudice & hurt of the common welth & people &c.

The paine for such as are conuict thereof &c. is the first time, amercemẽt, and losse of ỹ thing so bought, the secõd time iudgment of the pillory:

The

The third tyme impry-
ſonment and Raũſome:
The fowerth time ab-
uratiõ of the towne &c.

Le tierc' temps impri-
ſonment et raũſome.
Le quater temps ab-
iuration del ville &c.

Franches Royall.

FRanches Royall, is wher ỹ Quẽne grãts to one and to his heires, that they ſhalbe quit of Tolle, or ſuch like.

Fraunches royall.

FRaunches Roiall, eſt lou le Roygne graunt al vn et a ſes heirs q̃ ils ſerrõt quite de tolnet', vel hm̃odi.

Free mariage.

FRee mariage, is when a man ſeiſed of landes in fee ſimple, giueth it to an other man, & to hys wife, (whoe is daughter ſiſter or otherwyſe of kinne to ỹ donor) in free mariage, by vertue of which words they haue an eſtate in ſpecial tayle, and ſhal hold the land of the donor quit of al maner of ſeruices vntill the fowerth degree bee paſt accomptynge themſelues in the firſt degree,

Frankmariage.

FRankmariage, eſt q̃nt vn home ſeiſie de terres en fee ſimpl' dõe c̃ al auter hõe et a ſa fẽe (q̃ eſt fil' ſoer ou aut'ment de kynne al donor,) en frãkmariage, per vertue d' q̃x parolx, ils ount vn eſtate en ſpecial tayle, et tiendra le terre del donor quite de touts maners d' ſeruices tãque le 4. degree ſoyt paſſe, accõptants eux ñs en l' priñ degree,

N.ij. ſinon

ſinon fealtie, q̃ux ils fieront pur ceo que il eſt incidēt a tours tenures forſq̃ frank almoigne. Et tiel done poet eē fait cy bñ aps mariage ſolempnize cōe deuant. Et home poet doñ terres al ſon fits en frankmariage cybien cōe a ſa file p le opinion de maſter Fitzh. en ſō briefe de Champtie H. Mes il appt auterm̃t en maſt' Litt', et en M. Broke Ti. Frākmar' P. 10. Et iſſint il fuit ten⁹ clere en Grayes Inne ē lent An. 1576. 18. El. p le dr't woorſhypful M. Rhodes dōq̃ ſlector la.

except fealtie, which they ſhal doe becauſe it is incident to all tenures ſauinge free almes. And ſuch gift may bee made as wel after mariage ſolemnized as before. And a man may gyue landes to his ſonne in free mariage, as well as to hys daughter by the opinion of maſter Fitzh. in hys writ of Champertie. H. But it appeareth otherwiſe in maſter Litt', and in M. Brooke ti. Frāk-mariage. P. 10. And ſo it was holden cleere in Graies Inne in lēt An. 1576. 18. El. by ỹ right worſhipful maſter Rhodes then Reader there.

Franktenement.

FRankteñt ē vn eſtate q̃ hōe ad ē terres, ou teñtes, ou pfit a prēd', en fee ſimple,

Freeholde.

FReehold is an eſtate ỹ a man hath in landes or tenements, or profit to bee taken in fee ſimple, taile,

taile, for terme of hys taile, pur terme de sõ
owne life, or for terme vie demẽ, ou pur term̃
of an others life. And vn dauter vie. Et south ẽ
der that, there is no frée il nẽ frankteñt, car il
hold: for hee that hath es- que ad estate pur ans,
tate for yeares or hol- ou tient al volũt, nad
deth at will hath no frée aſcun frankteñt, mes
hold: but they are called ils ſont appel chattels.
Chattels. Et de frãkteneñts,

And of frée holds there il y ad ij. ſorts, cé aſſa-
are ii. sorte, that is to say uoir, frankteñt ẽ fait,
frée holde in deede, & frée- et frankteñt en ley.
hold in lawe. Frãktenemẽt ẽ fait,

Frée hold in déede, is eſt quant vn home ad frankten
whẽ a man hath entred ent' ẽ terres ou teñts, en fait.
into lands, or tenemẽtes et eſt ſeiſie de ceo, re-
and is ſeyſed therof re- allm̃t, actualment, et
ally, actually & in déede: en fait, Sicome le pier
as if the father ſeyſed of ſeiſie de terres ou te-
lands or tenementes in neñts ẽ fee ſimpl' de-
fée ſimple dieth, and his uie, et ſõ fits ent' ẽ eux
ſonne entreth into the cõe heire a ſõ pier, dõ-
ſame, as heire to his fa- q̃s il ad vn frankteñt
ther, then he hath a frée- en fait & ſon entrie.
hold in déed by his entry. Frankteñt en ley, eſt

Frée hold in lawe, is q̃nt terres ou teñts ſõt frankten
whẽ lands or tenemẽts, diſcend' al vn hõe, et il en ley.
are diſcẽded to a mã & he

poet enter en eux qñt a luy pleſt, mes nad vnc' fait ſon entrie en fait, cõe en le caſe auantdit, ſi le pier eſteãt ſeiſie de t're en fee ſimple deuie ſeiſie, et ils diſcend al ſon fits, mes le fits nad vncore ent' ẽ fait en eux, ore deuant ſõ entrie, il ad vn frankteñt en ley.

may enter into them when he will, but hath not yet made his entry in dæde, as in the caſe afore ſayd, if the father being ſeyſed of lands in fee ſimple die ſeyſed, & they diſcẽd to his ſonne, but ỹ ſonne hath not yet entred into them in dæde, nowe before his entrie he hath a freholo in law.

Freſhſuite.

FReshſuit, eſt quãt vn hõe ẽ robbe, et le party iſſint robbe, purſua l' felon immediatment, et luy pryſt oue le maner, ou auterment, et donques port vn appeale enuers luy, et luy conuince del felony per verdict, le quel choſe eſteant enquire pur le roygne et troue, le partie robbe auera

Freſhſuit.

FReshſuit, is whẽ a mã is robbed, & the party ſo robbed, followeth the felon immediatly, & taketh him with the manner, or otherwiſe, and then bringeth an appeale againſt him and doth cõuince him of the felony by verdict, whych thing being inquired of for the Quéene and found, the party robbed ſhall haue reſtitu-

restitution of his goodes againe.

Also it may be sayd ỹ the party made freshsute although he take not the theefe presently, but that it be halfe a yeare, or a yeare after the robbery don, before he bee taken: if so bee that the partie robbed do what lyeth in him, by diligent inquire & search to take him, yea, & although hee bee taken by some other body, yet this shalbee sayde good freshsuit.

And so freshsuit is whē the lord cōmeth to dystreine for rent or seruice, & the owner of ỹ beastes doth make rescous, and driueth them into other ground that is not holden of the Lord, and the lord followeth presently and taketh them: thys

restituc' d' ses bñs arr'.

Ité il poet este dit q̄ le partie fait freshsuit, nient obstāt il ne prist le felon presentment, mes q̄ il soit demy an, ou vn an apres le robbery fait, deuant que il soit prise, si soit issint que le ptie robbe fayt taunt que en luy est, per diligent enquire, et serch d' luy prend', nient obstant que il ē prise per vn aut' hōe, vncore ceo serra dit bone freshsuit.

Et issint freshsuit est quant le sñr vient pur distreigner pur rēt ou seruice, et le ovvner des beastes fayt rescous, et enchase eux en auter terre que nē ten⁹ del sñr, et le seigniour ensuer presentmēt, et repriſt eux, cē

appel freshsuite. Et issint en auters semblables cases.

Gager de deliuraunce.

GAger de delyueraunce est, lou vn sua repleuin des biens prise, mes il nad deliũe des bñs, et lautera uovva, et le pleintife mr'e q̃ le defẽd' ẽ vncore seisie &c. et pria que le defendant gagera deliuerance, dõques il mittera eyns suertie ou pledge pur redeliuerance, et br'e issera al viscount pur redeliuer &c. mes si home claime ꝓpertie il ne gagera delyueraunce. Auxi sil dyt q̃ les auers sont mort' en pound, il ne gagera &c. Auxi home ne gagera iamais le deliuerance auant que ils

called freshsuit, and so in other like cases.

Gager of deliuerance.

GAger of deliueraunce is, where one sueth a repleuin of goods taken, but hee hath not deliuery of the goodes, and the other auoweth, and the plaintife sheweth ỹ the def. is yet seysed &c. and prayeth that the def. shal gage the deliueraunce, then he shal put in suerty or pledges for the deliuerance, & a writ shal go forth to the sheriffe for to redeliuer the goods &c. but if a man claime propertie, hee shal not gage the deliuerance. Also if he say that the beasts bee dead in the pound, hee shall not gage &c. Also a man shal neuer gage the deliueraunce before that they

they be at issue, or demurrer in the lawe.

Warde.

WArde is when an infant whose auncestor helde by knights seruice, is in the warde or kéeping of the Lorde of whom those lands were holden. And if the tenaunt holde of diuers Lordes diuers landes, the lorde of whome the land is holden by priorite, that is to saye, by the more elder tenure, shall haue the wardeshippe of the infant, but if one tenure bee as olde as the other, then hee that first happeth to haue ỹ warde of the bodie shall kéepe it, but in that case euery lord shal haue the warde of ỹ lande ỹ is holden of him, but if the tenaunt

ils sont a issu ou demurrer en ley.

Garde.

GArde est quant vn enfant que aũcestour tient per seruice de chiualrie, est en le gard et custodie de le sr̃ de que ils fueroũt tenus, Et si le tenaunt tient de dyuers seigniours dyuers terres, celuy seignyour de queil tyent per prioritie.s, per le plus aũcyen tenure, auera la garde del enfant, mes si vn tenure soit auxy auncyen que lauter, donques celuy que primes happa le gard del corps, gardera ceo, mes en ceo case, chescun seignyour auera le garde del terr' que est tenus de luy, mes si le tenaunt tient

prior. h de garde.

ent de roine in chiefe, donques le roine per ſa prærogatiue auera le garde de corps et de tout le terr' que eſt tenus de el, & de cheſcun auter ſeygniour.

holde of the Quéene in chiefe, then ſhée by her prerogatiue ſhal haue the warde of the bodie, and of al the land ỳ is holden of her, and of euery other lorde.

Garden.

GArden plus propment eſt celuy q̃ ad le gard ou cuſtody dun hr', et de t're ten⁹ per ſeruice de chiualry, ou de vn de eux a ſon vſe demeſn̄, durãt le nonage del hr' : Et deins ceſt temps ad le beſtowinge del corps del heire, en marige al ſon volunt ſans diſperagement.

Et de gardens il y ad ij. ſortes noſmẽt, garden en droit, et gardẽ en fait.

VVarden.

WArden moſt properly is he that hath ỳ ward ſhippe or keepinge of an heire, and of land holden by knights ſeruice, or of one of them to his owne vſe, duringe the nonage of the heire, and within that time hath the beſtowinge of the bodie of the heire, in mariage at his pleaſure, without diſperagment.

And of wardens there be ij. ſorts namely, garden in right, & garden in deede.

Gar-

Garden in right is hée that by reaſō of his ſũry is ſeiſed of the wardſhip or kæpinge of the lande, and of the heire, duringe the nonage of the heire.

Garden en droit, ẽ celuy q' per reaſon de ſon ſũry eſt ſeiſie del gardſhip ou cuſtodye del t're, et del heire durant le nonage del heire.

garden en droit.

Garden in dæde, is where the lorde after his leiſin, as aforeſaid, graũteth by dæde, or without dæde, the wardſhippe of the lande, or of the heire or of both to an other, by force of which graũt, the graumtée is in poſſeſſ. thẽ is ỹ graumtée called garden in dæde.

Garden en fait, eſt lou le ſũr aps ſon ſeyſin, cõe auantdit graũta per fait, ou ſãs fait, le gardship del terre ou del heire, ou dãbi deux a vn aut', p force de q' graunt, le graũtee eſt en poſſ', donq ẽ le graũtee appel garden en fait.

garden en fait.

And this garden in dæde maye graunt the heire to an other alſo, but that other is not properye called garden in dæde for that is ỹ graumtée of the garden in right onely, and here you may

Et ceſt garden en fait poit graunt le hr' al auter auxi, mes ceſt aut' né ꝓperment appel garden en fayt car ceo eſt le graumtee del garden en dr't ſolemt. Et icy poies

voier

voier (frere Nicholas) quel misery vient aps ceſt tenure per ſeruice de chiualry ſi le t'mo-ruſt relinquauns ſon heire deins age, coñt le pouer infãt poet ẽe toſſe et tũble, chappe et chãge, et achate et vẽd'ſẽble vn mal' chi-ual en Smithfeelde, et que plus eſt il ſerra mary a que pleſt ſon Garden, de que enſue mult male.

Garniſhment.

GArnishment eſt qñt vn action de deti-nue des charters eſt port vers vn, & le de-fendaunt dit que les charters fuerount de-liũ a luy per le pleyn-tife, et per vn aut', ſur certeine conditions, & preye que lauter ſoyt garneye de pled'

ſée (Brother Nicho-las) what miſery fol-loweth that tenure by knightes ſeruyce if the tenaunt die leauinge hys heire within age, howe the poꝛe childe may bée toſſed, and tumbled, chopped and chaunged, bought & ſold like a Jade in Smithfild, & ỳ moꝛe is maried to whome it pleaſeth his gardẽ, wher-of enſue many euels.

VVarning.

WArninge is when an action of detynue of charters is brought a-gaynſt one, and the de-fendaunt ſaith, that the charters were delyuered to hym by the playn-tife, and by an other, vpon certaine conditiõs, and prayeth ỳ the other may be warned to plede with

with the pleintife whether the conditions bée performed or noe, and thereuppon a writte of Scire facias shal go forth against him. And that is called warninge.

oue le pleintife si les cõditions sont perimples ou nemy, et sur ceo vne briefe de Scire facias isserra vers luy Et ceo est appell vn garnishmẽt.

Gauelate.

GAuelate, is a speeyall and auncient kynd of Cessauit vsed in Kent where the Custome of Gauelkind continueth: whereby the tenant shal forfeit his lands and tenementes, to the lord of whom they are holden, if he withdraw frõ hys Lord hys due rents and seruyces, after this maner as followeth.

If any tenant in Gauelkind, withholde hys rent, & hys seruices of ỹ tenement which he hol-

Gauelate.

GAuelate, ẽ vn special et aũcient kind de Cessauit vse en kẽt ou le custome de Gauelkind continue, per ql le t' forfetera ses t'res et teñts al seignior de que ils sont tenus, sil deteygne de son seignior ses due rents & seruyces solonque cest manner que ensue.

Si aſc̃ tenant en Gauelkinde reteyne sa rent, et son seruices del tenement quil tient

ent de ſon ſñr, querge le ſñr per agard de ſa court de trois ſemains en trois ſemaīs, d'troū diſtreſſe ſur cel teñt taunt que a la quart court, a toutfet p teſmoignages, Et ſi dedens cell temps ne truſſe diſtreſſe en cel teñt, p queux il puiſſe ſō teñt iuſtiſer: Donc a la quart court ſoit agard, q̄l preigñ cel tenement en ſa main, en noſm̄ d' diſtreſſe, auxi come boef ou vache et le tient vn an, et vn iour en ſa mayne ſauns mayne ouerer, deyns quel terme, ſi le tenaunt vient, et rend ſes arrerages, et fait reſonables ameñds de la detener, adonc eit, et ioiſe ſon tenement ſicome les aun-

deth of his lord, let the Lord ſeeke by the award of his court frō 3. weekes to 3. wæekes, to find ſōe diſtreſſe vppon the tenement vntill the foweth court, alwaies with witneſſes: And if withm ẏ time, he can find noe diſtreſſe in that tenement, whereby hee may haue iuſtice of his tenaunt: Thē at ẏ foweth court let it be awarded, ẏ hee ſhall take that tenement into his hand, in ẏ name of a diſtreſſe, as if it wer an oxe, or a cowe, and let him kæpe it a yere, ta day, in his hand without manuring it: wīn wthh terme if ẏ tenant come, and pay his arrerages, and make reaſonable amēdes for ẏ wōholding: Thē let hī haue, & enioy his tenemēt as his aun-

ceſtours

cestours and hée before held it. And if he do not come before the yeare, and the daye past, then let the Lorde goe to the next Countye Courte with the witnesses of his owne court, & pronounce there thys processe, to haue further witnesse, & by the award of his court (After ỳ Countye court holden) hée shall enter, and manure in those lands and tenements as in his owne. And if the tenant come afterward, and will rehaue his tenements, & holde them as he did before, let him make agrée-ment with the lorde according as it is auncient-ly said.

cestours et luy auant tiendrõt. Et sil ne vẽt deuant lan, et le iour passe, donc auage le seigniour al prochein Coũte suiant oue test moinages de sa court, et face la pnuncier cel proces pur testmoy-nage auer, et p agard de sa court, apres ceo Counte tenue, entra et meynouera en cels terres et tenements, sicõe en son demesne. Et si la tenaunt vient apres, et voyle rea-uer ses tenementes, & tener sicome il fist deuaunt, face gree al seygniour, sicome il est auncyentment dist.

Hath he not since any thing geuen, nor hath hée not since any thing payd, Thẽ let him pay v. poũd

Neghe sith selde, & nẽ ghe sith geld, & v pound

for

for the were: er hee become healder.

Il y ad aſcuns copies que ad le primer verſe iſſint eſcript.

Niſith yelde, and niſith gelde.

Et auters iſſint.

Nigheſith yelde, and nigheſith gelde.

Mes ceux ne differen ſignification, auter copies ont ceo ſolõq ceſt ſort.

Nigondſith ſelde, and nigondſith gelde.

Ceſt a ſcauoier, paiera il nouies foites, & nouies foits repaie.

for his were before he be cõe t'or holder againe.

There be ſome copies ỹ hauethe firſt verſe thus written.

Niſith yelde, and niſith gelde.

And others thus.

Nigheſith yelde, and nigheſith gelde,

But theſe differ not in ſignification, other coppyes haue it after thys ſort.

Nigondſith ſelde, and nigondſith geld.

That is to ſay, let him ix. times pay, & ix. times repaye.

Gauelkinde.

GAuelkinde eſt vn cuſtõe ánexe et curant oue t'res en kent appel Gauelkind t'res ten^{9} ẽ aunciẽt Socage

Gauelkinde.

GAuelkinde is a cuſtome annered, & gonge with lands in Kent called Gauelkind lands, holdẽ by aunciẽt Socage tenure.

tenure. And is thought by the ſkilfull in Antiquities, to be called Gauelkind of Gyue all kyn, that is to ſay, to all the kyndred in one lyne, according as it is vſed among the Germans frō whom wee Engliſhmen, and chiefely of Kēt come: Or els it is called Gauelkynd, of gyue all kynd, that is to ſay, to all the male children, for kind in dutch ſignifieth a male child: and diuers other like cōiectures are made by them of ỹ name (Gauelkind) which I omit of purpoſe for ſhortneſſe ſake, because that here you looke (Brother Nicholas) as you deſired me, that I ſhould ſpeake ſomwhat largly concerninge other more needefull matters for your purpoſe, which you are

tenure. Et eſt penſe p les erudite en antiquities, deſte appel Gauelkinde de Giue al kin, ceſt adire a touts les kyn en vn lyne, accordaunt come eſt vſe enter les Germās, de que nous Anglois, et eſpecialīt de Kent venemus. Ou il ē appel Gauelkinde, de giue al kynd, cē adir' al touts les males, car kynd en dutch ſignifie vn male. Et diuers aut's ſēbl' coniectures ſōt fait p eux d'l noſm̄ Gauelkinde, le q̄l ieo omit de purpoſe pur breuitie, pur ceo q' cy vous expectes (frere Nich.) ſicōe vo⁹ moy requiraſt, q̄ ieo eſcriuera largem̄t cōcerm̄t aut' pl⁹ needfull matt' pur vr' purf', q̄ux vo⁹

desirast de scauoir, cõ-
cernãt Gauelkind ter
res, et pur ẽ que vous
fues nee en Kent, et
auxi es plus demurrãt
la, et pur ceo vo⁹ pẽ-
ses, patriæ res nescire
dedecus.

Pur satisfier vr'e dd'
en cest: Ieo ay pur ceo
mise pur vous cy les
auncient customes de
Kent, sicome ils fue-
roũt veramẽt et care-
fully de puisne temps
publye oues q̃ ascuns
cases sur eux collect
hors del ceux liuers, q̃
foũt ascun mentiõ de
cest, q'l voet ieo pẽse
satisfier vr'e desire a-
large. Et primm̃t vo⁹
scauoies, q' ceux Ga-
uelkind customes, foũt
de bõ antiquitie port
eins cy p les Saxons,
Intes, et Angles, Ger-

desirous to knowe as tou
ching Gauelkind lands,
both because you were
borne in Kent, & also are
most abiding there, and
therefore you think to be
ignorant of ỹ maners or
customes of your native
cõtrey were a foul shãe.
To satisfie your request
in this: I haue therefore
set you here downe, the
auncient customes of
Kent, as they haue very
truely & carefully of late
bin published, with some
cases vpon them, gathe-
red out of those bookes,
that make any mencyo
on hereof, which will I
thinke, cõtẽt your desire
at ful. And first you must
knowe, that these gauel-
kind customes are of
good antiquytie, brought
in hither by ỹ Saxons,
Intes, & Angles, Ger-
mans,

mans, from whom wée Englishmen discend (as is afore saied) and were by them vsed, and left here, and so continued in force, vntill William duke of Normandy, conquered al England (Kēt onely excepted) which he had by composition, and not by conquest: And in this composition the valyant Kentishmen obtained a graunt of the continuation of their customes of Gauelkynde, whiche euer sins thei haue vsed in the same countrey: and thus they are as followeth.

mans, de q̄ nous Angloys discend (cōe est auātdit) et fueront p eux vse, et relig cy, et issint cōtinue ē force, tanq' Guillam Duke de Normandie conquer' tout Engleterr' (Kent tauntsolement forspriſe) le q' il auoit per compositiō, et nemy per conquest. Et en cest cōposition, les valiaunt Kentois obtaineroit vn graūt de le cōtinuatiō de lour custōes d'Gauelkind, le q̄l touts tēps puis ils oūt vse en m̄ l' pais, et ils sōt cōe ensuist.

The customes of Kent.

THese are the vsages, and customes, the which the cōmunalty of Kent claimeth to haue in the tenementes of Gauelkynd, and in the men of Gauelkynde, allowed

Les customes de Kent.

CEs sōt les vsages, et les custōes, les q̄ux l' cōmunaltie de Kent claimāt aū en tēnts de Gauelkind, et en gēts Gauelkēdeis, allowes

en Eire Iohn de Bervvike, et ſes companions, Iuſtices en eire, en Kent, le 21. an le Roy Ed. fits le roye Henrie.

Ceſtaſſauoir, que touts les cors de Kenteys ſoyent Francz, auxi come les auters fraũs cors Denglet'.

Ceſt choſe ad eſte puis confeſſe deẽ veray, coũ il appiert en 30. E. 1. en Fitzherbert titulo Villenage placit' 46. Ou il eſt tenꝰ ſufficient pur vn home de auoider lobiection de bõdage, a-dire, que ſon pier fuit nee en Kent, mes ſil voet ſeruer en cẽ caſe a dire, q il ñ fuit nee en Kent, il ẽ (pur bon cauſe) deſte doubt.

2 Et que ils ne duinent le Eſchet' le roy

in Eire before John of Berwike, and his companions, the Iuſtices in Eire, in Kent, ỹ 21. yere of king Ed. the ſonne of king Henry.

That is to ſay, ỹ all ỹ bodies of Kentiſhmẽ be free as well as the other free bodies of England.

This thinge hath byn ſince confeſſed to be true as it appereth in 30. E. 1. in Fitzh. titulo Villenage placit. 46. where it is holden ſufficient for a man to auoyde the obiection of bondage, to ſay ỹ hys father was borne in Kent: But whether it will ſerue in that caſe to ſay, that hymſelfe was borne in Kent it is (for good reaſon) to be doubted.

1 And ỹ they ought not ỹ Eſchetor of the kynge

to

to chuse, nor euer in any time did they: But the kinge shall take, or cause to bee taken suche a one as it shal please hym, to serue hym in that whych shalbe needeful.

3 And that they may their lands & their tenemẽts giue and sel, without licence asked of their lords: Sauing vnto the Lordes the rents and ỹ seruices due out of the same tenements.

4 And that al, and euery of them, may by writ of the king, or by playnt, plede for ỹ obtaininge of their right as wel of their Lordes as of other men.

5 And they claime also, ỹ the cõminaltie of Gauelkind men which hold none other then tenemẽts of Gauelkind nature, ought not to cõe to ỹ cõmon summons of ỹ

eſlire, ne vnques en nul temps ne feſoiẽt, mes le roy prengne, ou face prender, tyel come luy plerra, de ceo qui ſoit miſtier a luy ſeruer.

3 Et quilz puſẽt lour t're & lour teñts doñ & vend', ſans conge dd'er a lour ſeignorages, Saues a ſeignorages les rẽtset l's ſeruic' dues de mꝭ les teñts.

4 Et q̃ touz, et cheſc' puſeit p br' le roy, ou p pleit, pled' pur lour dr't purchaſer, aux bñ de lour ſeignorages, come des auters gẽts.

5 Et claiment auxi, q̃ la cõmune de Gauilkind eis, q̃ ne tenent mes que tenementes Gauilekẽdeis, ne deuient venera le commune ſummons del

for saluer of Lands & tenu' Kent & ſeruic' trõ reſerue'

Eire, mes q' per Borgeſaldre, et iiij. homes de la Borgh, horspris les villes, que deuiēt reſpond' per xij. hōes en le Eire.

Le ſemble du cē priuiledge ē enioy a ceſt iour en l' Lath d'l viſcount, ou diūs entyer Borghes ſoūt excuſe p l' apparāce tantſolemēt dū Borgeſalder, et ij. iiij. ou ſize auters de les enhabitāts. Borshold', eſt iſſint noſme de les Saxon parolx *Borher ealdor* cē adire, le plus aunc' ou eigne de les pledges.

6 Et claiment auxi, q̄ ſi nul teūt en Cauelkēd ſoit attaint de felony, per que il ſuffre Iuiſe d'mort, eit l' roy touz ſes chateux, et ſō eire maintenāt aps ſa

Eire but onely by the Borſholder, & fower mē of the Borowe: Except the townes which ought to aunſwere by twelue men in the Eire.

The like to this p̄uiledge is enioyed at thys day in ỹ ſherifes Lathe, where many whole borowes be excuſed by the onely apparaunce of a Borſholder, & two, foure or ſixe other of ỹ inhabitants. Borſholder is ſo named of ỹ ſarō wordes *Borher ealdor*, ỹ is to ſay, the moſt auncient or elder of the pledges.

6 And they claime alſo, that if any tenant in gauelkynd bee attainted of felony, for the which hee ſuffereth Iudgement of death, the kyng ſhal haue al hys goodes, and hys heire forthwō after hys death

death shalbe inheritable to al his lands and tenemẽts which held in Gauelkind in fee, and inheritance: And he shal hold them by the same services & customes, as hys auncestors helde them: whereuppon it is said in Kentish.

mort soit enherite de touts ses terres et tenements q̃ il tient en Gauelkinde en fee, et en heritage, et les tiẽdra p̃ mesmes les services et customes, si come ses aũcesters les tiendront dont est dit en Kentees.

The father to the bough,
And the son to the plough.

Ye fader to ye bogh,
Ye sonne to ye plogh.

But this rule holdeth in case of felony, and of murder onely, and not in case of Treason at al: And it holdeth also in case where ỹ offendor is iustised by order of lawe and not where he withdraweth himselfe after the fault committed, & will not abyde his lawfull tryall. And because that thys custome shal not be cõstrued by equity

Mes ceste rule tyent en case de felonie, et de murder solement, et nemy en case de treason. Et il tient auxi en case ou le ofFẽdour est Iustice per order del ley, et nemy ou il se suthtrey apres le fact fayt, et ne voet permit son loyal tryal. Et pur ceo que ceste custome ne serra construe per equitie,

mes per vn ſtrict et literal enterpretation, il ad eſte doubt pur ceo, ſi le frere, ou vncle auera le aduauntage de ceo, pur ceo que les parolx extend al fits ſolement.

but by a ſtraight and literal interpretation: it hath therefore bin doubted, whether the brother or vncle ſhall haue ỹ aduauntage therof, becauſe the wordes extend to ỹ ſonne onely.

Vide 22. Edvv. 3. abridg per M. Brooke tit' Cuſtome. 54.

See 22. E. 3. abridged by maſter Brooke tit. Cuſtome. 54.

7 Et ſi il eit femme, meintenãt ſoit dovve ꝑ le heir', ſil ſoit dage, de la moity, de toutes les terres et tenemẽtz q' ſon baron tient de Gauelkynde en fee, A auer et a tener ſolonc la formñ de ſuthdyte. Et de tiels terres le roy ne auera ane vvaſt, mes tãtſolement les chateux, ſi come il eſt auantdit.

7 And if he haue a wife, forthwith be ſhee endowed by the heire, if hee be of age, of the one halfe of al the landes and tenements which her husband held of Gauelkynd nature in fee: to haue & to hold accordyng to the forme hereafter declared. And of ſuch lands ỹ kinge ſhall not haue the vere, nor waſt, but onely the gwdes, as is bꝛefore ſaid. The wife ſhall not loſe her dower for the

Le femme ne perdra dovver pur le

default

default of her husbande, but in such case where the heire shal lose his inheritance for the offence of his father 8. Henry. 3.

8 And if any manne of Gauelkinde, eyther for felonie, or for suspicion of felonie, withdraw him out of the countrey, and bee demaunded in the countie as he ought, & be after warde vtlawed, or put himselfe into the holy church, and abiure the lande and the Realme, the kinge shall haue the yeare and the wast of his landes and of al his tenementes, together with al his goodes and chattels: Soe that after the yeare, and the day, the next Lord, or lordes, shal haue their Eschetes of those landes, and tenements, euery lorde that

defaut de sa barõ mes en tiel cas ou le hr̃ p- dera son enheritance pur le offence de son pere 8. H. 3.

8 Et si nul Gauelkind eis pur felon̄, ou pur ret de felonie, se suthtrei de la pees, et soit en coũte dd' cõe il appent, et puis vtlaghe, ou sil se met en seint egliſe, et foriure la terre oue le Reaume, le Roy auera lan et le vvast de ces terres, & de touts ſes tenementes enſẽblemẽt oue toutes ces chateas, Iſſint que apres lan, et le iour, le plus prochein ſeignyour, ou ſeignyoures eynt lour eſchetes de cels terres, & tenementes, cheſcun ſeigniourceo

que

que de luy est tenus sauns men. Issint il est tenus en le liūs 8. E. 2. abridged per master Fitherb. ti. Prescription 50. Et 22. E. 3. abridged per M. Bro. ti. Custome 54.

9 Et claimentauxi, q' si ascun tenaunt en Gauelkinde murt, & soit enherit' de terres et de tents en Gauelkind, q' touts ses fites partent cel heritage p ouels porcions.

10 Et si nul hr' male ne soit, soit la pty fait ent' les females, sicōe entres les freres. Mes l'stat' d' Prerog. regis ca. 16. dit, que fæminę non participabunt cū masculis, q̄ est deé entend, de tiels q̄ sont ē equal degre d' kinred cōe freres, et soers, cōe

which is immediatly holden of him. So is it holden in the bookes 8. E. 2. abridged by master Fitz. ti. Prescriptiō 50. & 22. E. 3. abridged by master Brooke ti. Custome 54.

9 And they claime also, that if any tenaunt in Gauelkinde, and bee an inheritor of lands & tenemēts in Gauelkind, ỳ al his sonnes shal part ỳ inheritāce by equal portiōs

10 And if there bee noe heire male, let ỳ partitiō be made betwene the females, euen as betwene bro. But ỳ statut of Prærog. regis cap. 16. sayeth, That the females, shall not deuide wyth the males, which is to bee vnderstode, of such as bée in equall degrée of kynred as Brothers and sisters,

as

as in this ix. and x. de-
uision. For if a man haue
issue iij. sonnes, & the el-
dest haue issue a daugh-
ter, and die in the life of
his father, and the father
dieth. In this case the
daughter shall ioyne with
the two other brethren
her vncles, for that shée
is not in equal degrée wᵗ
them, as her father was,
whose heire neuertheles-
she must of necessity be.

11 And let the messuage
also be departed betwene
them, but the Astre shall
remayne to the yongest
sonne or daughter, and
be the value thereof de-
liuered to each of the par-
ceners of ỹ heritage, frõ
xl. fête from ỹ Astre, if ỹ
tenement wil soe suffer.

By this worde (Al-
tre) is ment (as is cõiec-
tured) either the hall or

cõe en cest ix. et x. de-
uisiõ. Car si vn hõe ad
issue iij. fits, et le eigne
ad issue vn file, et mo-
rust en le vie sõ peere,
et le pere deuie: En cé
case le file ioynera o-
ue les deux aut's freres
sa vncles, pur ceo q' el
nest en equal degree
oue eux, cõe sa peere
fuit, q̃ heir' niét meins
el doet de necessitye
este.

11 Et la mesuage soit
antreci ent' eux depar
ti, mes l'Astre demur-
ra al pune ou punee,
et la value soit de ceo
lieure a chesc' des par
ceners de cell hery-
tage a xl. pees de cel
Astre, si le tenement
le peut suffrir.

Per cest gol (Astre)
est ment (cõe est con-
iecture) ou le aule, ou

prin-

principal lieu del mea
ſõ, ou auterm̃t le wel
pur ewe, ou le ſuth pt
del edefice car (Aſtre)
eſteant ſound ſans (ſ.)
poit veñ del latin pol
Atrium q̃ ſignifie vn
aule, ou de Hauſtrum
q̃ betokẽl' bucket dũ
wel, ou de auſtrum le
ſouth ſide, Cheſc'de q̃
oũt lour particuler cõ
modities deuãt les au-
ters del meaſ. ou teñt.
Ou auterment eſteãt
ſoũd oue (ſ) il poit eẽ
deduce de le french
pol (Aſiſter) per con-
tracc' (Aſtre) q̃ ẽ tãt,
cõe tonſite, ou ſituati-
on, et oue le article
(le) deuant c̃ (Leſter)
vn cimitory, ou court
enuiron vn meaſon,
Mes al cẽ iour il nad
tiel regarde fait en le
particion, mes ſoleñt

a the qui
ſit.

the cheefe rome of the houſe,
eyther elſe the well for
water, or the ſouth ſide
of the buildinge, for (Al-
tre) beinge ſounded
without (ſ) may come of
the latin worde Atrium,
which ſignifieth a Hall,
or of Hauſtrum, whiche be
tokeneth the bucket of a
wel, or of Auſtrum, the
ſouth ſide, euery of which
haue their particular cõ-
modities aboue the reſt
of ẏ houſe or tenement,
Or otherwiſe being ſoũ-
ded with (ſ) it may be de-
duced from ẏ frẽch worde
(Aſtre) by contraction
(Aſtre) which is as much
as a ſite, or ſituation, and
with the article (le) be-
fore it (Leſter) a church-
yarde, or Court about a
houſe. But at this daye
there is no ſuch regarde
made i ẏ particiõ, but õly

con-

consideration had, that the parts them selues be equal & indifferent.

12 And then let the eldest brother haue ỹ firste choyse, and the others afterwarde accordinge to their degree.

13 Likewise of houses which shalbee founde in such messuages, let them be departed amongst the heires by equall portyons, that is to wéte, by sute if nede be, Sauinge the Courte of the Astre which shal remain to the yongest sonne, or daughter, as is beforesaid Soe neuertheless, that ỹ yongest make reasonable amends to his parceners for the part which to them belongeth, by the awarde of good men.

14 And of the aforesayd tenements, whereof one

consideratyon ewe, q̄ les parts ñs soiēt equal & indifferent

12 Et donq̄z le eisne frere eit la primer electiō, et les auters aſs per degree.

13 Enſemēt de measons que ſerront trouets en tyens meſſuages, ſoyent departie entre les heires per ouel portioun, ceo eſt a ſauoyer per peies ſil eſt miſtier, Saue le Couert del Aſtre, que remeynt al pune, ou al punee, ſicome il eſt auantdiſt. Iſſi que nequedount q' le pune face reſonable gre a ces parceners de le party que a eux appent, p agarde de bon gents.

14 Et les auauntdits tenementes dont vn

ſole

soule sute tant solem̃t soleit estre fait auant, ne soit per la resoun de la partic̃ fors vn soule sute fait sicome soleit auant, mes que tous les parceners facent contributiõ a celuy que face le suite pur eux.

15 Ensement seint les chateus de Gauelkin des parties en treis aps les exequies et les dets rendues, si il y eit issue mulier en vie, issint q̃ la mort eit la vn ptie, & les fites & les files muliers laut' partie, et la fẽe la iij. ptie.

Ou il ẽ dit cy, que la mort eit vne partye, il est entende pur parformance de ses legacyes per ces executors sil fait testament, ou per le diserec' del

onely suit mas wont to be made before time, be there not by reason of ỹ partition but one sole suit made, as it was before accustomed, but yet let all the parceners make contribution to ỹ partener which maketh ỹ suit for them.

15 In like sort let ỹ goods of Gauelkind persons be parted into three partes, after the funerals and ỹ debts payed, if there bee lawfull issu on liue, so ỹ ỹ dead haue one part, & his lawfull sonnes & doughters an other part, & the wife the iij. part.

Where it is said here, that ỹ dead shal haue one part, it is ment for performance of his legacies by hys executours if hee make a testament, or by the discretyon of the

or

ordinary if hée die intestate.

16 And if there be no lawful issue on liue, let ẏ dead haue the one halfe, and ẏ wife on liue ẏ other half. The selfe same order ẏ the custõe here speaketh of in ẏ xv. & xvj. diuisiõ, is at this day obserued in ẏ City of London, and the same in effect, was longe since vsed throughout the whole Realme. For it is euident both by the lawe of kinge Canutus, by master Glanuile, by ẏ words of Magna carta ca. 18. by master Fitz. in his Natura breuiũ in the writ d' Rationabili parte bonor' f. 122. L. ẏ ẏ wife & children had their reasonable partes of the goods by the cõmon lawe of ẏ realme, & that ẏ common lawe was soe, it appereth

ordinarye sil deuye intestate.

16 Et si nul issue mulier en vie ne soit, eyt la mort la moite, et la feme en vie laut' moity. Mesme le order de q' le custome cy parle en le 15. et 16. deuision, est al cé iour obserue en le city d' Lõdres et mñ en effect fuit en aunc' temps vse p tout le realme. Car il est euident, et per le ley d'l roy Canutus, p M. Glanuil, per les parolx de Magna Carta cap. 18. per M. Fitzh. en son Natura breuiũ en le br' de Rationabili pte bonor' fo. 122. L. q' la fẽe et ẽfãts ad lour reasonable parts del bñs p le cc̃mõ ley del realme, et q̃ le cõmõ ley fuit issit, il appt

auxi

auxi en 30.E.3.28. et
21 1.30.H.6. Et fuit
dit per ley M.31.H.8.
abridge p M.Brooke
tit' Rationabili parte
bonorum pl'.6.q̃ ceo
ad estre sepe mise en
vre come vn cõmen
ley, et nunquam de-
murr',et ideo videtur
que ceo est le commõ
ley, p q' meanes qui-
cunq; il viét al darrain
q' il fuit admit pur ley
mes en tiels countries
solement ou il fuit cõ-
tinue per cõtinual v-
sage, et que toutes les
briefes en le Regist̃r,
de Rationabili parte
bonorũ,ount mentiõ
del special custom̃ del
countie, en q' le part
est dd', et issint est le
liuer 28. H. 6.4. Mes
come al cest iour pti-
cion d' chattels nõ vse

also in 30.E.3.25.et 21.
20. H. 6. And it was
said for lawe H.31.H.8.
abridged by master Bro.
ti. Rationabili parte bo-
narum pl'.6.that it hath
bene often put in vre as
a comon lawe,and never
demurred vpõ,and ther-
fore it seemeth that it is
common lawe, howsoe-
euer it came to passe at
length ỹ it was admit-
ted for lawe, but in such
countries only,where it
was continued by daylie
vsage,& that alỹ writs in
the Regist̃r,de Rationa-
bili pte bonorũ haue mẽ-
tion of the special custõe
of the shire,in which the
part is demaunded, and
soe is the Booke 28.
Henrici 6. 4. But as
at thys daye partycion
of Chattelles is not vsed
through

throughout the whole Realme, though in the meane time it hath not lost the force of common lawe as many thinke, & as may bee gathered by the opinion aforesayde holden for lawe an. 31. H.8. So is it (as some thinke) vanished quit out of all vse within thys Countrey of Kent also.

17 And if the heire or heires, shalbe vnder the age of 15. yeares, let the nouriture of thē be committed by ỹ lord, to the next of the bloud to whō the enheritaunce cannot discend, so ỹ ỹ Lord take nothing for the committing thereof.

18 And let not ỹ heire bee maried by the Lord but by hys owne wyl, and by the aduise of his

per tout le entier Realme, nyent obstāt en le meane temps il nad parde le force du cōmon ley come mults pense, et come poet este collect per le opinion auauntdit tenus pur ley Anno 31. H.8. issint il est, (come ascūs suppose) vanish outerment hors de vre deyns cest countrey de Kent auxi.

17 Et si le heir', ou les heires, soit ou soiēt de deins le age de xv. ans, soit la noriture d' eux baile p̄ le sr̄ al pl⁹ p̄chein del sāk, a q' heritag' ne peut descēd', issint q' le sr̄ pur le baile rien ne preigne.

18 Et que il ne soyt marie p̄ le sr̄, mes per sa volunte demesn̄, et per le counsell de ces

amies ſil veult.

19 Et quant cel heire ou ceux heires, ſõt de pleine age de xv. ans, ſoient a eux lour terres, et lour tenements liueres, enſemblemẽt oue lour chateaux, et oue les enpuemẽts de cels terres, ouſtre reſonable ſuſtinance: de quel enprouemẽt, et chateux, ſoyt tenu a reſpondre celuy qui de luy auera la noryture, ou le ſeigniour, ou ſes heires, que cel noritur' auera baile.

Le ſeigniour doyt bien conſider, que il ne credit pas le cuſtodie al aſcũ perſon, que ne ſerra able a reſpõder pur ceo. Car ſi le heire, al ſon pleyne age de xv. ans, viendra al court del ſñr

friends if he will.

19 And whẽ ſuch heire, or heires, ſhal come to ẏ ful age of 15. yeares, let their landes and tenements be deliuered vnto thẽ, together with their goodes and profites of the ſame landes, remainge aboue their reaſonable ſuſtenance: of the which profits and goods, let him be bound to make aunſwere vnto hym had ẏ education of the heire, or elſe the lord, or his heires which cõmitted ẏ ſame education.

The lord ought to take good heede, that he credit not the cuſtody to any perſon that ſhall not bee able to aunſwere therefore. For if ẏ heire at his ful age of 15. yeres ſhal come to ẏ Lordes court,

and

and demaund his enhe-
ritance, although ỹ Lord
may distreine the garde
to yeld his accompt (as
it appereth 18. E. 2. A-
nowry 220.) yet in de-
fault of his abilitie, the
Lord him selfe, and his
heires remaine charged
to the heire for the same:
But I do not heare, that
the Lords take vpon thẽ
at this day to cõmit the
custody of these infants,
but ỹ they leaue it alto-
gether to the order of ỹ
next of kyn, peradoẽture
to auoyde the daunger
which they are, if
they intermeddle as is a
foresaid.

20 And this is to be vn-
derstood, ỹ frõ such time
as these heires in Gauel-
kind be of, or haue pas-
sed ỹ age of 15. yeres, it
is lawful for them, their
landes or tenementes,

et demaundant sõ en-
heritãce, nyent obstãt
le sũn poet distreygne
le gardein pur fair ac-
compt (cõme il appiert
18. E. 2. Anowry 220)
vncore en defaut de
son abilitie, le sũn mesme,
ses hr'es, demũt charge
al le heire pur c': Mes
ieo ne oyer, q̃ les sũns
prist sur eux a cẽ iour
de cõmit le custodie
de ceux enfants, mes
q̃ ils relinq̃ c' oustre-
mẽt al order de ꝑch.
de amie, peraduen-
tur' pur auoid' le daũ-
ger en quel ils sõt, sils ent'
medle come est auãt-
dit.

20 Et ceo set a sauoir,
que del heure que
ceux hr'en Gauelkind
soiẽt, ou ount passe le
age d' xv. ãs, lisit a eux
lour terres ou tentes
doner

doner et vend', a loun volũte, Sauues les ſeruices au cheſe' ſñrages como il eſt deuant dit.

to giue and ſell at hys pleaſure, ſauing ỹ ſeruices to ỹ chiefe lords, as is before ſayd.

Nient obſtant q̃ ceſt cuſtõe enhable l' heir' pur faire alienatiõ de ſes terres et tenits mult ſoone, noſmt al 15. an d' fa age, p̃ means d' q' il puit eſte penſe niẽt conſideracõe d' q', il poet appeare, q' l' cuſtõe n̄ ſi bien fait reaſonabl' et careful prouiſion, en l' behalfe del heire, entant que il luy licence a tier ans, non pur doner ſes terres, car ẽ il poit et faire pur nul choſe, mes pur doner et vẽder ſes terres, le quel il ẽtẽd il ne doet fair' ſaũs ſuffic' recõpence.

Although that this cuſtome enable the heire to make away his landes and tenementes very ſoone, namely at the firſt ſeuenth yere of his age, by meanes whereof it might reaſonably be thought vnreaſonable ſcope and liberty to ſo yong peres- ſons, yet vppon the good conſideration thereof it may appeare, that the cuſtome it ſelfe doth reaſonably carefully prouide in the behalfe of the heire for ſomuch as it licenceth hym at ỹ yeres not to giue his lãds, for ỹ he might do for nothig, but to giue and ſel his lãds, which it meaneth he ſhould not do wtout ſufficiẽt recõpence.

Such

such like interpretatiõ, the cõmon law also seemeth to make of this custome both by the opinió of Vauasor & Keble 5. H. 7. 31. & 41. where it was adiudged ỹ a releas made by such an infant was voyd, by ỹ sẽtence of ỹ booke 21. E. 4. 24. where it is sayd, ỹ an infant cannot declare his will vpõ such a feoffment. And by the iudgment of Hank 11. H. 4. 33. who also held, that a warranty or graunt of a reuersion made at such age, was to no purpose at all, although a lease võ releasse might hapely be good by the custome, because that amoũteth to a feoffement. And it is not fit that this custome should be construed by equity, for as much as it

Semble interpretatiõ le comon ley auxi semble de faire de cẽ custome, et lopinion de Vauasour et Keble. 5. H. 7. 31. et 41. huic dit, ỹ ont, q̃ il fut aiudge q̃ vn releas fait per tiel enfant fuit voide, per de sentence del liũ 21. E. 4. 24. ou il est dit, que vn enfãt ne poet declare son volũt sur tiel feoffemẽt. Et per le iudgmẽt de Hank. 11. H. 4. 33. q̃ auxi tiel graũt dũ reuẽ fayt a tiel age, fuit anul purpose, nient obstant vn leas que releas puit p aduenture estre bõ per le custome, pur ceo q̃ il amoũta a vn feoffemẽt. Et il ne bõ q̃ cest custõe doet eẽ cõstrue equity, entãt que il

nestoit oue asc' equity déabler vn enf. d' petit discrec', et meins ex periéco, pur vend' sõ t'res, et nõ puruen oue ẽ, q'il doit aũ Quid p quo, et asc' reasonable recompence pur ceo. Car ẽ ne fuit pur defender le pupil et sans pior, mes pur giser luy ouert a cheisc' subtile deceipt et circũuentiõn. En q' respect, lour opinion é des bñ obserue, q' tient, q' si vn enf. en Gauelkinde, a cé iour voet vend' al xv. ans de sõ age, ceux 3. choses doiẽt de necessitie cõcurr', si il vo et aũ l'sal' bõ et effectual. Le priñ q' il soit vn heire et nemy vn purch. del terres oue q' il dept. Le ij. q' il soit adrecõpence pur ẽ, et le tierce, q' il ceo face

standeth not with any equity, to enable an infant, of litle discretion, & lesse experience, to sell his land, and not to prouide withal y' he should haue Quid pro quo, and some reasonable recompence for the same: for y' were not to defend the pupill & fatherlesse, but to lay him wide open to cuery slye deceipt & circumuention. In which respect, their opiniõ is very well to be liked of, who hold, y' if an infãt in Gauelkind, at this day will sell at xv. yeres of age, these three things ought of necessity to cõcurre, if he will haue y' sale good & effectual. The first y' he be an heire, and not a purchaser of y' land y' he departeth withal. The second y' he haue recompence for it: & y' third, y' he do it with

with liuery of seysin by
his owne hand, & not by
warrant of atturney, nor
by any other maner of
assurance. And these me
for proofe of the first and
second point of their as-
sertion, do build vpon ȳ
words of this custome,
where it is said frō such
time as those heires in
Gauelkind be of or haue
passed the age of fifteene
yeares, it is lawfull for
thē, their landes or tene-
ments, to giue and sell,
in which ȳ words (those
heires) doe restreine the
infant that cōmeth in by
purchase. And (giue & sel)
in the copulatiue, doe of
necessity imply a recom-
pence, forsomuch as sel-
ling cannot be without sōe
price or thing giuē for it.
And for mayntenaunce
of the third matter,
they haue of their part

oue liuery de seisin
per son maine dein, et
nemy p garrāt de at-
turney, ne p ascū aut'
mañ de assurance. Et
ceux hōes pur proofe
de le prim et seconde
part de lour assertiō,
edifie sur les parols de
ce custōe, ou il est dit,
del heur' q̄ ceux heirs
Gauelkind seint, ou
oūt passe le age de 15.
ans, list a eux, lour t'res
ou tenūts' doñ et vēd',
en q' les parols, (ceux
heires) restrain le infāt
q̄ viēt eins per purch.
Et (doñ et vend') en
le copulatiue, de ne-
cessitie implie vn re-
compence, entaunt
que vendere ne poet
este sine pretio. Et
pur mayntenaunce
del tierce matter, ils
ount sur lour part,

preter le cõmõ vſage del paies, le cõmõ ley del realme auxi, le q'l expound le parol doner de ſignifier vn feoffement, et le q̃l non ſolemẽt diſallovve de aſcũ done fait per vn enfant, mes auxy punish le prend' en trñs, ſinõ q' il ad c̃ p liuerie del maines del enfant cõe appt en 26. H. 8. 2. 9. H. 7. 24. 18. E. 4. 2. 22. H. 6. 3. et diuers autres liuers.

21 Et ſi aſc̃ tiel tenãt en Gauelkind meurt, et eit feme q̃ ſuruiue, ſoyt cel feme maintenaunt dovve de la moitie des tenements dont ſon barõ morust veſtu, et ſi p les hr's ſils ſoyent de age, ou per les ſeigniours, ſi les heirs ne ſoient pas

beſides the comon vſage of the countrey, ẏ cõmõ law of the Realme alſo, whych expoundeth the word (Giue) to meane a feoffement, & which not onely diſalloweth of any gyft made by an infant, but alſo punitheth the taker in treſpas, vnleſſe he haue it by liuery from ẏ infants owne handes as appereth in 26. H. 8. 2. 9. H. 7. 24. 18. E. 4. 2. 22. H. 6. 3. and diuers other bookes.

21 And if any ſuch tenant in Gauelkind dye, and haue a wife that ouerliueth him, let that wife by and by be endowed of ẏ one halfe of the tenements whereof her huſband died veſted and ſeiſed by ẏ heires, if they be of age, or by the Lords, if ẏ heires be not

of

of age, soe that she maye haue the one halfe of those landes, and tenements, to holde so longe as shee kepeth her a widowe, or shalbee attainted of childbirth, after the auncient vsage, that is to say, that if whē she is deliuered of childe, & the infant be herde cry, and that the hue and crie be rayſed, and the countrie assembled, and haue the viewe of the childe soe borne, and the mother, then let her lose her dower wholye, and otherwise not, so longe as shee holdeth her a widowe, whereof it is sayed in kentish.

de age, issint q' ele eyt la meit de celes terres et tenementes, a tener taunt come ele se tyent veue, ou de enfanter soyt attaint, per le auncient vsage, ceo est assauoir, que quñ ele enfant, et lenfãt soit oy crier, et q' l'hue et l'cry soit leue, et le paisenseble, et ayent viewe de lenfãt en oyrsaunte, et de la mere, adonqs perde son dowver entierement, et auterment nyent, taunt come ele se tient veue, dont il est dyt en kenteys.

Se thadd sip wende,
He that doth wende her,
Let him lende her.

Cest custome ad este allowve per le com-

mon

mon ley longe temps paris, cõe poet eẽ vieu, Prærog. regis ca. 16. et 2. H. 3. en Fitzherbert ti. Preſcriptiõ 59. &c. Mes il eſt vn doubt, ſi vn feme ſerra endowe per cẽ cuſtome, dun poſſ. en ley, ou nemy, pur ceo q' les parols ſont (des tenementes dont ſon barõ moruſt veſtue, et ſeiſie) quel parol (veſtue) enforc' vn poſſ. en fait, et non in ley ſoleñt. Et pur c' ſi t're en Gauelkind diſceñ' al hõe mary, q̃ moruſt deuant que il face ſon entre en ceo, Quer' ſi ſoit le mañ dẽ dower ſa feme de ceo ou nemy? vn feme ne ſerra endowe per cẽ cuſtõe, dũ bailiwike, ou faire, ou tiel ſẽbla- ble, pfet p̃ loppinion

mon lawe longe tyme ſince, as may bee reade, Prerog. regis cap. 16. ℣ 2. H. 3. in Fitz. t' Preſcriptiõ 59. ℣. But it is a doubt whether a womã ſhalbe endowed by this cuſtõe of a poſſeſſion in lawe or noe, for that ẏ̃ words be (of ẏ̃ tenements whereof her huſband died veſted & ſeiſed) which worde (veſted) inforceth a poſſeſſion in dœde, and not in lawe onely. And therefore, if landes in Gauelkynde diſcend to a married man, which dyeth before he make his entry into the ſame, Inquire whether it be ẏ̃ maner to endowe his wife thereof or noe? A woman ſhall not bee endowed by this cuſtome of a bailliwike, or faire, or ſuch like pro- fitte by the oppynyon

of

of M. Parkins fo. 84. because ỳ words of this customary dower be tenures & tenements, and al customes shal stand & litteral and streight interpretatiõ. And where she is to be endowed by this custome she may be by writ be endowed of a moytie, to be holden ẽ cõmon with the heire, & enioyeth ỳ other halfe &c. It is a doubt whether ỳ a woman entitled to dower in gauelkind may waiue her power of the halfe after this custome, giuing her election to be endowed of ỳ whole, or of ỳ cõmõ lawe, & so exempt her selfe al danger of ỳ customary conditions or not. Some haue bene of opiniõ ỳ she is at liberty to take ỳ she preferre ỳ other at her pleasure: & therefore inquire thereof &c.

de M. Parkins fo. 84. pur ceo q' les parols de cestui customary dower cẽ customary dower sont terres et tenits, et touts customes troũa vn litteral et strict interpretac'. Et ou el est deste endow per cest custõe, el poet bñ este ẽdow dũ moitie, deẽ ten' en cõmõ ouesq; le heire, q' enioy laut' moitie &c. Il est vn doubt, si vn fee cruele al dower en Gauelkid poet vvaiũ sa dovver de moity solonq; cest custõe, et pur ceo sa acc' doc' endowe del inj. al cõmõ ley, et illint exist luy m' de tout danger d'cestui customary cõdic'on ou nemy? Aucuns fuer' de opiniõ q' el est al liberty de p'nd' lũ, et vvayue lauter al sa pleasure. Et pur ceo quere de ceo &c.

22 Et claiment auxi, que home que prent femme, que eit heritage de Gauelkinde, et la femme murge auant luy, eit le Baron le moite de celes terres et tenements, tant come il se tyent veuers, dount il moruſt ſeiſi ſans eſtrepement, ou vvaſt, ou exile faire, le quel kil y eyt heire ent' eux ou non Et ſil prent femme, treſtout perde.

22 And they claime alſo, that if a man take a wife which hath inheritaunce of Gauelkinde, and the wife dieth before hym, let the husbande haue the one halfe of thoſe landes and tenements whereof ſhe dieth ſeiſed ſoe longe as he holdeth him a wo dower, without doinge any ſtrippe, or waſt, or baniſhmēt, whether ther were iſſue bet wene th' or no. And if he take ano ther wife, let him loſe al.

23 Et ſi aſc̄ tenement de Gauelkinde eſchete (et ceo eſchete ſoit a nul ſeigniour q' tient per fee de Hawberkē, ou per ſeriauncie) per mort, ou per Gauelate ſicome il eſt ſuthdit, ou luy ſoit rēdue de ſon tenaunt q' de luy auaunt le tient

23 And if any tenement of Gauelkinde do eſcheat (and that eſcheat be to any lord which holdeth by fee of Hawberke, or by Serieancie) by death, or by gauelate as is herafter ſayd, or be rendred to him by by his tenaunt which before holde it of hym by

by quite clayme there-
of made, or if his eschcat
bee by Gauelate as is
hereafter sayd, let thys
land remaine to ỹ heires
impartable: And this is
to be vnderstood, where
the tenant so rendringe,
doth reteine no seruice to
himselfe, but saueth ne-
uertheless to the other
lords their fees, fermes,
and the rentes where-
with the aforesaid tene-
mentes of Gauelkynde
(so rendred) were before
charged, by him, or them
which might charge thē.
To hold by fee of Hau-
berke, or by Serieantie
(if it bee graund Ser-
eantie) is to holde by
knightes seruyce. *Heah-
beony* in Saxō, is a high
defence: and the Cus-
tomes of Normādy cal
ỹ fiefe or fee de Haubert

per quyte clamans
de ceo tete, ou soit sa
eschete per Gauelate
sicome il est de suth-
dit, remaine cel terre
as heires impartable.
Et c'est a sauoir, la ou
le t'ensi rēdāt, nul ser-
uice retent deuers se,
sauet nequedōt as au-
t's sñrages, fees, fermes,
et les rents dont les a-
uauntdits tenementes
de Gauelkinde (ensi
rendus) auaūt fuerent
charges per ceux, ou p
celuy, que le charger
poient ou poyet.

A teñ p fee de Haw-
berk, ou per seriantie
(sil soit grād serianty)
et a teñ pseruie d'chi-
ual'. *Heahbeony* en Sax
on, ē vn haut defēce,
Et les customes de
Normandy appel ceo
fief ou fee d'Haubert

que

que doit defender le terre p̃ pleine armes, ceo est p̃ chiual; haubert, target, espee, ou helme. Et il consist d' 300. acres de terre, q̃ est c̃ (cõe asc̃ pẽse) q̃ nous appellom⁹ vn entier fee de chiual'.

24 Et claiment auxi, que si asc' tenaunt en Gauelkind reteine sa rent, et son seruice del tenement q̃ il tient d' son seign^r, q̃ergе le sur per agarde de sa court de trois semains en trois semaines de troũ distresse sur cel ten̄t tant q̃ a la quart court, a toutes fet p̃ tes-moinage. Et si dedeis cel tẽps ne trusse distresse en cel tenement per queux il puisse sõ tenant iustifier, donq̃ a la quart court soit

which oweth to defende the land by ful armes, ꝑ is, by horse, haubert, target, spere, or helme. And it consisteth of 300. acres of land, which is ꝑ same (as some thinke) that wee called a whole knights fee.

24 And they claime also, that if any tenaunt in Gauelkinde withholde his rent, and his services of the tenement which he holdeth of his lorde, let the lord seeke by the awarde of his courte from iij. weekes, to three weekes, to find some distresse vppon that tenement, vntil the iiij. court alwaies with witnesse. And if within that time he can find no distresse in ꝑ tenem̄t, wherby he may haue iustice of his tenãt, the at ꝑ iiij. court let it be

awar-

awarded, that hee ſhall take that tenement into his hande in the name of a diſtreſſe, as if it were an Oxe, or a cowe, and let him kepe it a yeare, & a day, in his hande without manuringe it, within which terme, if the tenaunt come, and paye his arrerages, and make reaſonable amendes for the withholdinge: Then let him haue and enioye his tenement as his aũceſtors & he before helde it. And if he do not cõe before ỹ vere, & ỹ day paſt, thẽ let ỹ lord go to ỹ next County court wᵗ the witneſſes of his owne court and pronounce there this proceſſe, to haue further witneſſe. And by the awarde of his court (after ỹ coũtie court holden) he ſhal enter, & manure in

agard, quil p̃igne tel tenement en ſa main, en noum de diſtreſſe, auſi come Boefe, ou vache, et le tiẽt vn an et vn iour, en ſa main ſauns ouerer, deins quel terme, ſi le tenaunt vient, & rende ſes arrerages, & feit rñables amendes de la detenue, adonq' eit, et ioiſe ſon tenement ſicome ſes aunceſtors et luy auaunt le tiendront. Et ſil ne vient deuant lan, et le iour paſſe, donq' angele ſeignior al procheine Coũte ſuiant oue teſmoinage de ſa court, et face la pronuncier cel proces pur teſmoinage aũ. Et per agard de ſa court, apres ceo Counte tenue, entra, et meynonera en

celes

celes terres et tene-
mentes, sicome en
son demesne. Et si le
tenant vient apres, &
voise ces tenementes
reauer, et tener sicõe
il fist deuãt, face gree
al seignior, sicome
il est auncientmẽt dit.

those landes and tene-
mentes, as in his owne
demeanes. And if the te-
naunt come after warde,
and wil rehaue his tene-
ments, and hold them as
he did before, let him mak
agreemẽt to ỹ lord acco-
ding as it is aforesaid.

Neghe sith selde: and neghe sith geld: and fife pounde for the were, er hee become healder.

Hath he not since any
thing giuen: nor hath he
not since anything paid:
Then let him paye fiue
pound for his were, bee-
fore he becõe tenant or
holder againe.

Ascuns copies ad les
primer verses issint.

Nigond sith selde, and nigond sith gelde.

Some copies haue the
first verses thus.

Let him ix. times pay, &
ix. times repaye.

Ceste custõe è touch
per le voy, per master
Frow. 21. H. 7. 15. et p
luy pense deste bone,
mes sil soit a ceste lour
mise en vre, quere
plus.

This custõe is touched
by the waye by master
Frowike 21. H. 7. 15. &
by him thought to be good
but whether it be at this
daye put in vre, enquire
further.

25 Also they clayme, that no manne ought to make an othe vppon a booke, (neither by dyſtresse, nor by the power of the lorde, nor his Baylife) against his will, wtout ỹ writ of the kynge (vnleſſe it bee for fealtie to be done to his Lorde) but onely before the Coroner, or ſuch other miniſter of the king, ỹ hath Royal power to enquire of treſpaſſe cõmitted against ỹ Crowne of our Lorde the king.

25 Auxi ils claimẽt q̃ nul hõe doit ſeremẽt ſur liure fair', (per diſtreſſe, ne per poer de ſñr, ne de bayllife) encoũter ſa volunte ſãs briefe le roy (ſinon pur fealty fere a ſon ſeignior) meſq̃ per deuaunt Coroner, ou auter miniſter le roy, qui real power eyant de enquerer de treſpas fayt encounter la Corone noſtre ſeignior le roy.

26 And they clayme, ỹ euery Kẽtiſhman may eſſoine an other, either in ỹ kinges court, or in the county or in ỹ hundreth or in the court of his lorde where eſſoine lyeth, and that aſwell in caſe of common ſute, as of plee.

26 Et claiment auxi, que cheſcun Kentoys puit auter eſſoiner en la Court le Roy, en la Countie, en hũdreth, et en la court ſõ ſeignior, la ou eſſoigne giſt, auxibien de cõmon ſuit, come de plee.

27 Oustr' ceo ils claiment per especial fet le roy Henry, pier le roy Edvvarde, que de tenements que sõt tenus en Gauelkind, ne soit prise battayle, ne graund assise per xij. chiualers, sicome ayllours est prise en le realme, ceo est a sauoir, la ou tenaunt et le demaundant tenét per Gauelkinde: mes en lieu de ces graũdes assises soyent pryses Iures per xij. homes tenáts en Gauelkind, Issint que quater tenants de Gauelkind eliseint xij. tenants de Gauelkind Iurours.

Et la chartre le roy, de ceste especyante est en la garde Sir Iohn de Norwood, le

Moreouer they clayme by an especiall deede of kinge Henry, the father of kinge Edwarde, that of the tenements which are holden in Gauelkinde, there shal no battayle bee ioyned, nor graund assise taken by xij. knightes, as it is vsed in other places of ỳ Realme: ỳ is to wit, where the tenaunt & demaundant hold by Gauelkind: But in place of these graund assises, let Iuries be taken by xij. men being tenaunts in Gauelkind, so ỳ four tenãts of Gauelkind chose xij. tenaunts of Gauelkynd to be Iurors.

And ỳ Charter of the king of this especialty, is in the custody of Sir Iohn of Norwood, the

day

day of S. Elphey, in Caunterbury the yeare of king Edward ỹ ſonne of king Henry the iii.

Lour S. Elphegh en Caũterbury, le an le roy Edward le fits le roy Henry 21.

Theſe be the vſages of Gauelkind, and of Gauelkindemen in Kent, which were beefore the conqueſt, and at the Cõqueſt, and euer ſince till nowe.

Ces ſont les vſages de Gauelkinde, et de Gauelkẽdeys en Kẽt, que fuerent deuaunt le conqueſt, et en le conqueſt, et toutes houres ieſques a ore.

The end of the cuſtomes.

Le fine des cuſtomes.

Hauinge thus ended ỹ cuſtões as you ſée (Brother Nicholas) there remayneth nowe to bee ſhewed what lands wiñ this Countrey of Kent, be of the nature of Gauelkind, and what not.

Ayant iſſint fynish les cuſtomes cõe vo⁹ veyes (frere Nich.) il demurt a ore deé mõſtre quel terres deyns ceſt paies de Kent ſõt del nature de Gauelkinde, et q̃ux nemy.

Firſt therefore, it is to be vnderſtanded, ỹ all ỹ lands wiñ this Shire which be of auncíẽt Socage tenure (as was ſaid at the beegynnynge) be alſo of the nature of

Primerment pur c̃, il eſt deſſe intend, que touts les terres deyns cẽ ſhire, queux ſõt de auncˉ ſocage tenure (come fuit dit auant) ſõt auxi del nature de

Gauelkind. Et l's terres tenus per auncien tenure de ſeruice de Chiualer, ſõt al cõmon ley, et ne ſount departible ſolonque le order de ceſt cuſtome, excepta certen queux eſteant tenus de auncient temps pur ſeruice de chiualer del Archieueſch de Caũterbury, ſont nient obſtant departible, cõm il poet appeare per le liuer 26. H. 8. 4. Et cõ vient per reaſon d' vn graunt, fait per le roy Iohn, al Hubert l' Archieueſch, le tenour de qui eſt come enſue.

Gauelkind. And ỹ landes holden by auncient tenure of knightes ſeruice, be at the cõmon lawe, & are not departible after the order of this cuſtome except certen which beeing holden of old tyme by knyghtes ſeruice of the Archbiſhop of Caũterbury, are neuer the leſſe departible, as it may appere by ỹ booke 26. H. 8. 4. And that grewe by reaſon of a graunt made by kynge John, to Hubert the Archbiſhoppe there, the tenor of which is as followeth.

Iohannes dei gracia Rex Angliæ, Dominus Hibernię, Dux Normanię, Aquitanię et Comes Andegauę Archiepiſcopis, Epiſ.

John by the grace of God kyng of England, Lorde of Irelande, Duke of Normãdye, of Aquitane, and Earle of Angiew: To all Archbyſhoppes, Biſhops,

hops, Abbots, Earles, Barons, Iustices, Shiriffes, Gouernours, and officers, and al Bailifes, and his faithful subiects, greeting. Know ye that we haue graunted, and by this our present Charter haue confirmed to our reuerend and beloued father Robert Archbishoppe of Cauntelbury, and his successors for euer, that it shall be lawfull for them, to conuert those lands which were of the fee of the Church of Cauntelbury in Gauelkind, to hold in Gauelkind as knightes fee. That the same Bishoppe and their successours, haue the like power and liberties for euer, ouer their men and their lands that they hold those lands conuerted into knightes

copis, Abbat', Comitib', Baronib', Iusticiar', vicecomitib', Prepositis, ministris, et oñibus balliuis, et fidelib' suis, salutem. Sciatis nos cõcessisse, et præsenti charta nostra cõfirmasse venabili patri nro ac Chro. Huiberto, Cantuar' Archiepiscopo, et successori suis in ppetuũ, quòd liceat eis terras, quas homines de feodo ecclesiæ Cantuar' tenent in Gauelkind, cõuertere in feodo militum. Et qd̃ idem Episcop. et successores sui, eandẽ potestatem, et libertatem habeant in ppetuũ, in hominibus illos qui terras ita in feoda militum conuertas, tenebunt, et in hæredes eorum

quam Archiepiſcopus habet, et ſucceſſores ſui poſt eum habebũt in alios milites de feodo eccleſiæ Cantuar', et in hæredes. Et homines illi, et hæredes eorum, eandẽ et omnem libertat' habeant in perpetuũ, quam alij milites de feod' eccleſiæ Cantuar', et hæredes eorũ habent. Ita tamen, qd' nihilomin⁹ conſuetus reddit⁹ denarior' reddatur integre de terris ſuis, ſicut prius, omnia, aueragia et alia opera, q̃ fiebãt de terris iiſdem, conuertant' in reddit' denariorũ æquiualente. Et reddit⁹ ille reddatur, ſicut alius reddit⁹ denarior'. Quare volumus, et firmiter precipimus, qd' quicquid

fée which the Arrhbiſhop hath, & his ſucceſſors after him ſhall haue, ouer other knights of ỹ fée of the Church of Cauntebury & their heires. And that thoſe men and their heires haue the ſame & al ſuch libertie, for euer which other knightes of the fée of the Church of Cauntebury and their heires haue. Notwithſtanding al maner ỹ neuertheleſſe their accuſtomed rent of pence, be holy payed out of their landes, as before time their gilties, auerages, and other ſeruices which iſſued out of the ſame landes, be conuerted into a rẽt of pence of like value. And ỹ ſame rent be payed as ỹ other rẽt of pence is. Wherefore we will & ſtraightly commaund, & whatſoeuer

the

the aforenamed Archbi-
shop and his successours
after him shall doe con-
cerninge those landes
which are to bée conuer-
ted into knightes fée ac-
cordinge to the forme &
manner aboue written,
abide ratified and cõfir-
med for euer. Forbid-
dinge any person to pre-
sume against the déed of
the Archbishoppe or hys
successors in this behalf.
Witnesse E. Bishop of
Ely, & S. of Bathe G.
sonne of Peter Earle of
Exeter, William Marshall
Earle of Pẽbroke, Ro.
of Harecourt, Garine
of Gerald, Peter
of Stoke, Ric. of Reuers
Rob. of Tateshal, yeuen
by ỳ hãd of S. Archdea-
con vnto William at Ru-
pem aurival, ỳ 4. day of
May the third yeare of
our raigne.

prædictus Archiepis-
cop⁹ et successores sui
post eum, de terris il-
lis in feodo militũ se-
cundum præscriptam
formá cõuertendis fe-
cerint ratũ in ppetuũ
et stabile permaneat.
Et ꝓhibemus ne quis
contra factũ ipsi⁹ Ar-
chiepiscopi, vel suc-
cessor' suorum, in hac
parte venire ꝓsumat.
Teste E. Elienſe, et S.
Bathan, Episcopis. G.
filio Pet', Comite Ef-
sex, Wilhelmo Mare-
schallo, Comite de Pẽ-
brock, Rob. de Hare-
court, Garino fil' Ge-
raldi, Petro de Stoke,
Ric' de Reuerus, Ro.
de Tateshal. Datũ ꝑ
manũ S. Archid. Wil-
helmi apud Rupem
aurium iiij. die Maij.
An. regni nr'i tertio.

Mes entant que il est disputable, si ceſt charter del roy Iohn, ſoit de ſufficient vertue, pur chaunger le nature de Gauelkind terr', ou nemy, Et pur ceo que le certeyntie des terres iſſint conuert en fee de Chiualer, ne appiert en aſcũ lieu (ſaue ſolement q̃ en le liuer de aide leuie en cé cõm An. 20. E. 3. il eſt quater ou cinq; temps note, que certein terres en Kẽt, ſoũt tenus en fee de Chiualer, Per nouam licẽtiã Archiepiſcopi) ceſt ſufficera pur cé, et il ſerra proue, q' touts les terres de auncient tenure en ſeruice de chiualer, ſoũt ſubiect al ordinary courſe de diſcẽt al cõmõ ley.

But for aſmuch as it is diſputable, whether this Charter of Kynge Iohn, be of ſufficiẽt vertue to change ỹ nature of Gauelkynde land, or no, and for that the certeintie of the landes ſo conuerted into knightes fee, doth not any where appere, (ſaue onely that in the booke of Aide leuied in this ſhire, Anno 20. E. 3, it is found or ſine tymes noted, that certeine lands in Kent be holden in knightes ſeruice, by the newe licence graunted to the Archbiſhoppe) this ſhall ſuffiſe for that, and it ſhall followe to be proued, that al the landes of auncient tenure in knightes ſeruice, be ſubiect to the ordinary courſe of diſcent at the common lawe:

And

And that may sufficiently be done both by the expresse wordes of a note in 9. H. 3. abridged by master Brooke ti. Customes 57. and in master Fitzherb ti. Prescription 63. And by the opinion of the Justices 26. H. 8. 4. as also by playne recital in the act of parliament made 31. H. 8. ca. 3. by which statute, the possessiõs of certen gentelmen there were deliuered from this customary discent, and incorporated to the common lawe, for (amongest other thinges) in that act it is saied, That from thence forth, such their landes shalbe chaunged from the saied custome, and shal discend, as lands at the common lawe, as

Et ceo poet este sufficientmẽt fait et p les expresse polx dũ note en 9. H. 3. abridge per master Br. ti. Custões 57. et en master Fitz. ti. Prescription 63. Et per le opinion del Iustices 26. H. 8. 4. come auxi par pleine recital en le act de parliamẽt fait 31. H. 8. ca. 3. per que stat', les possessiõs de certein gentelhões la fuerount deliũ de ceste customary discẽt, et incorporate a le common ley, car (entre auters) en ceste act il est dit. Qui de ceste temps en auaunt, tiels lour terres serra change del le dit custome, et dyscendera come terres all commen leye, et si-

come

aut's t're esteát en le dit coũty d' kent, q̃ux ne vn̄q̄ fueront tenus per seruice de Socage, mes touts temps ont este tenus p̄ seruice de chiual', discende. Per q̃ux parolx, il est euident, q̄ les feasors de cest estat' entendount touts terres tenus per seruice de chiual', dẽe de lour ꝓper nature, discendable solonq̄ le cõon ley, et q' Socage tenure fuit solem̃t le subiect, in que cest nr' custõe de Gauelkind discent preuaile, et tient lieu.

Mes q̄nt mencion é cy fait de Socage, et fee de chiual', il doet touts foits este entẽd vn tenure longe puis, en d' aũcient temps cõtinue, et nei a ore nomelm̃t, ou darrainem̃t

other lands being in the said coũty of kent, which neuer were holde by seruice of Socage, but alwaies haue bene holden by knights seruice, do discende. By which words it is very euident, that ỹ makers of that estatute vnderstode al lands holden by knights seruice, to be of their ꝓper nature, discendable after ỹ comõ lawe, & that Socage tenure was the onely subiect, in which thys our custome of Gauelkinde discent preuailed, & helde place.

But when mencion is here made of Socage, & knightes fee, it must alwayes be vnderstanded a tenure longe since, and of auncyent tyme continued, and not nowe newely, or lately

created, for if it may fal
out otherwise, then is al-
readye reported. As for
example, if land auncient-
lye holden by knightes
seruice, cõe to ỳ Queens
hands, whoe after warde
graueth ỳ same out againe
to a cõon person, to be hol-
den of her manor of East
Grene with ỳ Socage,
this lande (notwithstan-
ding the alteration of ỳ
tenure) remaineth discre-
dited to ỳ elder tenure
ly as it was before, as al
so, in like sort, if lands of
auncient Socage seruice
came to ỳ Crowne, and
be deliuered out againe,
to be holden either of the
Queene in Capite, or by
knightes seruice of any
manor, it ought to discen
acco'ding to ỳ custõe not
withstanding ỳ ỳ tenure be
altered, & if this be true

creat, car issint il poit
happen autermt, q'est
deuant report. Come
pur exãple. Si terr' aũ-
cientmt tenus per ser-
uice de chiualrie, viẽt
al maines le roigne, q'
aps done ceo arrere al
vn comõ person, dẽe
tenus de sa manor de
East Grenevvich en
Socage, nẽt're (nient
obstant le alterac' del
tenur') demurt discen
dable al eygnee si tes
solemt, cõe il fuit de-
uãt, cõe auxi, en mde
man, si t'res de aũcien
Socage seruice viẽt al
corone, et soit delivar
rere, dẽs tenus ou del
Roine en Capite, ou
p seruice de chiual' do
ascman, il doit discẽd
accord' al custõe, nẽt
obstãt q̃ le tenure soit
alt', et si cẽ soit veray

en

en le graunte de le Roine m; donq; q̃uilt meines poit le Archi-eueqsue per vn nouel creatyon de tenure, faire al ſes tenants aſe alteratiõ de ceſt viele cuſtome et maũ. Car ſicome le pleadinge é, qd t're prad fuit de tenura et natura de Gavelkind iſſint l' verity eſt, q̃ le p̃ſent tẽ ſole-mẽt ne guide le diſcẽt mes que le tenure et le nature enſemble, gouerne ceo. Et par ceo, ſicõe ſur lun part le cuſtome ne poit attach; ou ailleu on ci que ne fuit pas de nat en nature ſubiect al cuſtõ, cõe a dire accuſ tomable mẽt departe Iſſint ſur lalter part, le practiſe de le cuſ tome, lunge temps

in the graũt of ỹ Queene her ſelfe: then much leſſe may the Archbiſhope by a newe creation of tenure, make to his tenants any alteratiõ of this olde cuſtome & maner, for as the pleadinge is, That the landes ar of the tenure and nature of Gauelkynde, euen ſo the truith is, that the preſent tenure onely guideth not the vſuall, but that the tenure and the nature together, doe gouerne it. Now therefore, as one ſide the cuſtome cannot attache, or take holde of that whych wanteth in nature ſubiect to the cuſtome, that is to ſaye, acuſtomable departed on the other ſyde, the practiſe of the cuſtome, longe temps

continued, may not bee interrupted by a bare alteration of the tenure, as it was holden by the Iustices, Anno 4. et 5. Phi. et Mary, as Iudge Dalison hath left reported. And also as it appereth by the booke 26. H. 8. 4. where it is saied, that if a man seysed of Gauelkinde land holden in Soccage, make a gift in taile and create a tenure in knights seruice, that yet this lande must descende after the custome it did before the change of the tenure.

Moreouer, as ỹ change of the tenure cannot preuaile against thys custome: Soe neyther the continuance of a contrarie vsage, may alter this prescription. For it is holden 16. E. 3. in Fitz. ti.

continue, ne poet este interupt per vn nude alteration de le tenur' cõe il fuit ten⁹ per les Iustices, An. 4. & 5. P. et M. cõe Iudge Dalison ad relinq; ẽ report. Et auxi cõe il appiert p le liũ 26. H. 8. 4. ou il est dit, q'si vn hõe sei de Gauelkind t're tenus en socage, fait vn dõe en taile et create vn tenure en seruice de chiualer, que vne' cest terre doyt discẽd solonq; le custome, sicome il fuit deuant le chaunge de le tenure.

Oustre ceo, sicõe le chaunge de le tenure ne poet ꝑuaile encoũter cẽ custõe: Issint le contiñ dun cõtrary vsage, ne poet alter cest ꝑscripc'. Car il ẽ ten⁹ 16. E. 3. en Fitzherb. titulo

ti Preſcription 52. q' nient obſtãt le eigne fits ſolem̃t ad (et c' pur diũs diſcents enſẽble) ent' en Gauelkind t'-re, et occupie c̃ fãs aſc̃ cõtradicc' de les puignes freres, que vne le terre remainera deſte part perenter eux, qñt ils voillent faire lour claime. Encont' quel aſſertion, ceo que eſt dit 10. H. 3. en Fitz. ti. Preſcription 64. noſment de le iſſue iſſint priſe. Si terra illa fuit ptita neene, nẽ grãdment al purpoſe. Car nient obſtant il ſoit iſſint, q' le terre ne fuit vn'q̃ part en fait, vnc̃ fil demurt partible en nature, il poit eſte pt a quel temps occaſion ſerra miniſter. Et pur ceo, en le forme

ti. Preſcription 52. that albeit the eldeſt ſonne only hath (and that for many diſcents together) entred into Gauelkind lãd, and occupied it wõut any cõtradiction of the yonger brothers, that yet the lande remaineth partible betwene them, when ſoeuer they will put to their clayme. Againſt which aſſertion, ỹ which is ſaid 10. H. 3. in Fitzh. titulo Preſcription 64. namely of the iſſue taken thus. Whether the lande were parted or no, is not greatly forceable. For al though it be ſoe, that the lande were neuer parted in deede, yet if it remayne partible in nature, it may bee parted whẽſoeuer occaſion ſhal bee miniſtred. And therfore, euen in the fourme

of

of pleadinge vsed at this day (That the land alwaies &c. was partible, and parted) it is playnelie taken, that the worde (partible) onely is of substaunce, and that the worde (parted) is but a worde of forme, and not material, or trauersable at al, yea so inseperable is thys custome from the lande in which it obtaineth, that a contrarye dyscent (contynued in the case of the Crowne it selfe) cannot hinder, but that (after such tyme as the land shall resorte agayne to a common personne) the fourmer olde custome shall gouerne it. As if landes of Gauelkind nature come to the handes by purchase,

de pleading vse a ceste iour (Quod terra illa a toto tẽpore &c, partibilis fuit, et partita) il est pleinment prise, q̃ le parol (partibilis) solemẽt est d' substãce, et q' le parol (partita) nest forsque parol de forme, et nemy material, ou traũsable, Verament issint inseperable est cest custome de le terre en q' il obtaine, que vn cõtrary discent (cõtinue en le case d'l Coronem̃) ne poet hinder, mes q' (aps tiel temps que le terre resortera arrere al vn common parson) le former viel custome gouernera ceo. Come si terres de Gauelkinde nature vient al mains le Roign, perpurchase,

ou

ou p Eſchete cõe terrus de ſa manner de Dale, ore aps ſa mort, touts ſes fits enheritera, et deuidera eux. Mes ſils veigne a luy per forfaiture ẽ treaſon, ou per done en parliament, iſſint que ſa grace eſt ſeiſie del eux in iure Coronæ, donques ſa eigne fites ſolement (q' ſerr' roy apres luy) auera eux, en quel caſe, nient obſtant ceux terres q̃ux le eigne fites (eſteant roy) ad poſſeſſe, viẽt al ſon eigne fits apres luy (eſteant roy auxi) et iſſint de vn al auter per ſundrey dyſcents, vncore loppinion de Sir Anthony Brovvne fuit 7. Eli. que ſi a aſcũ temps apres, ceux terres ſont

or by Eſchete as holden of her manor of Dale, nowe after her death, al her ſonnes ſhall inherite and deuide them. But if they come to her by forfaiture in treaſon, or by gift in parliament, ſoe y her grace is ſeiſed of the in right of the crowne, then her eldeſt ſonne only (which ſhalbee kinge after her) ſhall enioye them, in which caſe although thoſe lãds which the eldeſt ſonne (beinge kinge) did poſſeſſe, dos come to his eldeſt ſonne after him (beinge kinge alſo) and ſoe from one to an other, by ſundrye diſcentes, yet the oppinion of Syr Anthonye Browne was 7. Eliza. beth, that if at any time after the ſame landes be graun-

graunted to a common person, they shall reuolt to their former nature of Gauelkynde and be partible amongst his heires males, notwithstanding that they haue runne a contrary course in diuers the discentes of the kings before. But much lesse may the vnity of possession in the Lorde frustrate the custome of Gauelkind discent as it may appere, 14. H. 4. in ỹ lõge Recordare, abridged by master Brooke tit. Auowry 46. and tit. Customes 19.

Nowe followeth to be spoken howe farre this custome extendeth it selfe within this our Countrey of Kent &c.

It is commonly taken that the custome of

graunt al vn cõmon person, ils reuertera a lour primer nature de Gauelkind, et eẽ partible enter ses heyres males, nient obstant q̃ ils ad curre vn contrary course, en diuers les discẽts de les royes deuaunt. Mes mult meines poet le vnitie de possessiõ en le seignior frustrate le custome de Gauelkinde discent come il poet appeare. 14. H. 4. en le lõge Recordare, abridge p M. Brooke tit' Auowry. 46. et ti. Customes. 19.

Ore sequitur deste parl' come longe cest custome extende luy mesme deins cest nostre paies de Kent &c.

Il est communemẽt prise, q̃ le custome de

Gauelkind eſt general, et extēd luy meſm̃ per tout l' entier coũtie, en toutes terres ſubiect per auncyent tenure al ceo, tiels lieus ſolement except, ou il eſt alter per act de parliamēt. Et pur ceo en 5. E. 4. 18. et 14. H. 4. 8. il eſt dit que le cuſtome de Gauelkinde eſt (cõe) vn common ley en Kent. Et le liuer 22. Edwardi quarti 19. affirme que en demãdant Gauelkind t're, vn home ne beſoigñ de preſcribe en certeine, et de monſtre que le ville, borowe, ou Citie, ou les terres ſount, eſt vn auncient ville, borowe, ou Cytie, et que le cuſtome ad eſte la

Gauelkynde is generall, and ſpreadeth it ſelfe throughout the whole Shire into al lands ſubiect by auncient tenure vnto the ſame, ſuch places only excepted, where it is altered by act of parliament. And therefore in 5. E. 4. 18. and 14. H. 4. 8. it is ſaid, that the cuſtome of Gauelkynde is (as it were) a common lawe in Kent. And the booke 22. E. 4. 19. affirmeth, that in demaunding Gauelkind land, a manne ſhall not neede to preſcribe in certeine, and to ſhewe that the Towne, Borough, or Citie, where the lãds bee, is an Auncyent Towne, Borough, or Cytie, and that the cuſtome hath byn there (tyme

(tyme out of mynde) that the landes wythin the same Towne, Borough, or Citie, should discend to all the heires males &c. But that is sufficyentlye inough to shewe the Custome at large, and to say, that the land lieth in Kent, and that all the landes there bee of the nature of Gauelkynd. For a writ of partition of lands in Gauelkynde (sayth M. Littleton) shall bee as generall, as if the landes were at the common lawe, although the declaratyon ought specyally to contayne mencion of the Custome of the Countrey. Thys vniuersalytie consydered, and also the strayte bonde (whereby the

(temps hors de memorie) que les terres deins mesme vill', borovve, ou Cytie doyt discende a touts les heires males &c. Mes ceo est sufficient de monstre le custõe a large et dedire, que le terre gist en Kent, et que toutes les terres la sount del nature de Gauelkinde. Car vn briefe de Partycion de terres en Gauelkinde (Mounsier Littleton dit) serra cy general, si come les terres fuerount al common ley, nyent obstant le declaration doyt specyalmẽt de conteine mention de le custom̃ del pais. Cest vniuersalitie cõsider, et auxi le strict bande (per que le

cuſtom̃ eſt cy inſe-
rably vnite al le terre,
que en mañ nul choſe
forſq; vn act de parli-
ament poet cleremẽt
diſſeuer eux) il ſequi-
tur, que nul lieu, Ci-
tie, ville, ou borowe,
deins ceſt shire, poet
eſte exempt d' cẽ cuſ-
tome nyent obſtant ẽ
nad a aſcũ temps eſte
la miſe en vre, nyent
plus q' le eigne fits (en
le caſe deuaunt) poet
pur ſemble reaſon p̃ſ-
cribe encoũter ſes pu-
nees freres &c.

Ceſt taunt eſteant
parle touchaunt le
nome, Tenure, Na-
ture, generalitie, et
order de Gauelkind:
il ſerra ore monſtre
de q̃ qualitie les rents,
remaynders, actions,

cuſtome is ſo inſeperab-
ly knit to the land, as in
maner nothinge but an
act of parliament canno
clerely diſſeuer them) it
followeth, that no place
Citie, Towne, or Bo-
rough within this ſhire,
can bee exempt from
this cuſtome although
the ſame hath not at
any tyme byn there put
in vre, no more then
the Eldeſt ſonne (in the
caſe before) may for the
like reaſon preſcribe a-
gaynſt his yoũger Bre-
theren &c.

Thus much beeyng
ſpoken touchynge the
name, tenure, nature,
generality, and order
of Gauelkynde: it ſhall
nowe bee ſhewed of
what quality the rents,
remaynders, actyons,

and

and ſuch other thinges (of the which ſome bée iſſuing out of theſe lãds, ſome bée annexed vnto them, and ſome bée rayſed by reaſon of them) ſhalbée. And of thẽ ſome ſhal enſue the nature of the land, and other ſome ſhal kéepe ẏ ſame courſe that common lawe hath appointed. And therfore if a rent be graunted in fée out of Gauelkynde land, it ſhal diſcend to all the males as the land it ſelfe ſhal do, as appereth in 14. H. 8. 5. 26. H. 8. 4. & 4. E. 3.

But if ii. iointenantes of land in Gauelkynde grant a rent charge out of that land to I. S. & to his heires: And I. S. dieth hauinge iſſue ii. ſonnes, this rẽt ſhal not diſcẽd to both ẏ ſonnes

et tyels auters choſes (de q' aſcũs ſoũt iſſuãt hors de ceux t'res, aſcuns ſõt ãnexal eux, et aſcũs ſoũt rayſe per reaſõ de eux) ſerra. Et de eux aſcuns enſuera le nature del terre, et auters retaynera m̃ le courſe q' commõley ad appoint. Et pur c̃ ſi vn rent ſoyt graunt en fee hors de Gauelkind terre, il diſcẽdra a touts ſes males ſicõe le terre m̃ ferra come appiert en 14. H. 8. 5. 26. H. 8. 4. et 4. E. 3.

Mes ſi 2. iointenãts d't'res en Gauelkind graũt vn rent charge hors de ceo terre al I. S. et a ſes heires, et I. S. moruſt ayant iſſue deux fites, ceſt rent ne diſcendera al ambydeux les fits

del I.S.mes al heire al cómon ley, pur c̄ q̄ le cuſtōe eſt en ſuſpence durant le iointur', per le opinion de le droit woorshipful Chriſtopher Yeluerton Armiger, al ſon lecture en Grayes Inne en lent Anno. 1573.

of I.S. but to the heire at the common law because that the custome is in ſuſpence during the toynture by the opinion of the right worſhipfull Chriſtopher Yeluerton Eſquire, at hys readyng in Grayes Inne in lent An. 1573.

Iſſint ſi vn tenauncy ſoit d' Gauelkind nature, vnc' le rent ſeruice p̄ que il eſt tenus poet diſcēd accordāt al cómō ley. Cōe Ald' & Chart' en 7. E. 3. fueront de opinion.

So if a tenauncy bée of Gauelkynde nature, yet the rent ſeruyce by which it is holden may diſcend according to the common lawe, as Ald' & Chart' in 7. E. 3. were of opinion.

Si vn rem̄ de terr' en Gauelkind ſoit tail al heires males, ils touts enſembl' inheritront, come Fitzherbert et Norwich penſoūt 26. H. 8. 4. Mes c̄ eſt deē intēd dun diſcēt ſolement, car ſi terres de

If a remainder of Gaulkind land bée tayled to the heires males, they altogether ſhall inherit as Fitzherbert & Norwich thought 26. H. 8. 4. But that is to bée vnderſtoode of a diſcent onely, for if landes of

Gauelkynd

Gauelkynde nature be leassed for life, the Remaynder to the ryght heires of John Style which hath issue fower sonnes and dieth, and after the lesse for lyfe dyeth, nowe the eldest sonne onely of J. Stile shall haue thys land, for hee is right heire, and that is a good name of purchase 37. H. 8. in master Brooke ti. Done et Remaynder 42. But if the landes had byn gyuen to John Stile for lyfe, the remaynder to hys next heire male, thys had byn an estate taile in John Stile him selfe, and then the lande should haue discended to al his sonnes, in so much as in that case ỹ wordes (next heire male) be not a

Gauelkynde nature soyt lease pur vie, le remaynder al droyt heires de I. Style que ad issue quater fits et moruſt, et apres le lesſee pur vy moruſt, or le eignee fits solemẽt de Iohn Style auera ceſt terre, car il eſt droyt heire, et ceo eſt vn bon nosm̃ de purchase. 37. H. 8. en Mounsier Brooke ti. Done et Remaynder 42. Mes si les terres ount este done al Iohn Stile pur vie, le rem̃ al son procheine heire male, ceſt ad eẽ vn eſtate taile en Ioh. Style meſme, et donq; le terre doyt auer discend al toutes ses fits, entant que en cẽ case les parolx (prochein heire male) ne sont vn

noſme d' purch'. Mes il fuit graũdm̃t doubt 3. et 4. P. & M. (come Iuſtice Daliſon ad report) ſi vn remainder ſoit deuiſe p teſtamẽt (ꝓximo hæredi maſculo) ſi en ceſt caſe le eigne frere ſolement auera ceo, en taunt q̃ (en lentendement d'l ley, que eſt vn ludge ſur touts cuſtomes) il eſt le ꝓch' heir' male, et pur ceo quere d' c̃.

Concernaunt vouchers, il appiert 11. E. 3. que touts les heires en Gauelkinde ſerra vouch pur le garrantie d' lour aunceſtour et nemy le eigne ſolement. Mes le opinion de mounſyer Littleton libro. 3. cap. 13. et del Iuſtices. 22. E. 4. eſt clere que le eigne

name of purchaſe. Howbeit it was greatly doubted 3. & 4. Phil. et Maria (as Iuſtice Daliſon reporteth) if a remainder bee deuiſed by teſtament (to the next heire male) whether in that caſe the eldeſt brother onely ſhal haue it, in ſo much as (in the vnderſtandinge of the lawe, whych is a iudge ouer al cuſtomes) he is the next heire male and therefore inquire of it.

As touching vouchers, it appeareth 11. E. 3. that al the heires in Gauelkynd ſhalbe vouched for the warraunty of their Aunceſter, and not the eldeſt onely. But the opinion of Maſter Littleton li. 3. cap. 13. and of the Iuſtices 22. E. 4. is clere ꝑ the eldeſt ſonne

ſonne onely ſhalbe re-
butted, or barred by the
warranty of the auncef-
tour, to be ſhort, the el-
deſt ſonne onely ſhal an-
ſwer for the breache of a
condition: But the reſt
of the brethren ſhalbe
joyned with hym in ſu-
inge a writte of Attaynt
to reſcurme a falſe ver-
dict, or Errour to re-
uerſe an erroneous inge-
ment: And they al ſhal-
be charged for the debt
of their auncestour, if
ſo be y they al haue aſſets
in their handes. But if
the eldeſt onely haue aſ-
ſets remaynynge, and
the reſidue haue alienod
their partes, then he on-
ly ſhalbe charged after
the mind of the booke 11.
E.3. &c. And thus much
for this part ſhal ſuffice.

Nowe a worde or ij.

ſites ſolemẽt ſerra re-
but, ou barre p le gar-
ranty de le auncestor,
briefement, le eigne
fits ſolement ent' pur
le breach dun condi-
tion. Mes les auters
de les freres ſer'ioine
oue luy en ſuiant vn
br'de Attaint pur vn
faux verdit, ou Error,
pur reuerſer vn erro-
nious Iudgemẽt. Et ils
touts ſerront charge
pur le debt de lour
auncestor, ſi iſſint ſoit
que ils touts ont aſſets
en lour maines. Mes ſi
le eigne tantſolemẽt ad
aſſets demurrant, et les
auters aũt aly en lour
parts, donq; il ſolemẽt
ſerra charge, ſolõque
loppinion del liuer 11.
E.3. & c. Et ceſt tant
pur ceſt part ſufficera.

Ore vn vel deux

parols

parols de auters choſes confuſedment, vncore appertainant al cel nient obſtant non tout cy, neceſſary pur vr'e purpoſe dée conus cõe ceux deuant dit. Il appiert en vn eſcript report alarge d' 16. E. 2. que eſt auxy en part abridge p M. Fitzherb. titulo Preſcription, que il fuyt per verdict, q̃ nul hõe doit aũ common en t'res d'Gauelkind, mes le cõtrary eſt bñ conus a ceſt iour en ceo en diuers lieus, m̃ le liuer dit, q' le vſage de Gauelkind eſt, q' vn home poyt loyalment enchaſe, ou chaſe hors en la haut chimen a lour aduenture, les auers de aſ-

of other thinges confuſely, yet apertainynge to this matter, notwythdinge not ſoe neceſſarie for your purpoſe to bee knowen as thoſe afore-ſayde. It appereth in a written repoꝛt at large of 16. Edwardi 2. which is alſo partlye abꝛidged by maſter Fitzherbert, titulo Preſcription, that it was tryed by ver-dicte, that noe manne ought to haue common in Landes of Gauelkinde, howbeit the contrarye is well knowen at this day, & that in many places ẏ ſame booke ſaith, ẏ the vſage of Gauelkinde is, that a man may lawfullye inchaſe, oꝛ dꝛiue out into the high waye to their aduenture, the beaſtes of a-

ny

ny other personne that hee shall synde doynge damnage in his lande, and ỳ he is not compelable to impounde them, which thing is practised at this day.

The parlyament 15. Henrici sexti cap 3. minding to amplifye the priuiledges of Gauelkynde, graunted to the tenauntes of that lande, exemption in Attaints, in such sort as the inhabitaunts of auncyent demeane, and of the fiue portes before had: But within three yeares after vppon complaynt of some of the Countrey which enfourmed the Parlyament house that there was not in the whole Shire thirtye or fortye persones, that

cun auter person que il trouera dammage feasauntes en ses terres, et que il nest compellable de impounde eux, q̃l chose ẽ practise a cest iour.

Le parliament 15. Henrici 6. cap. 3. volens de amplifier les priuiledges de Gauelkynde graunta a les tenauntes de ceo terre exemption en Attaints, en tiel sort cõe les inhabitauntes de auncient demesne & les cinque ports deuãt ad, Mes deins iij. ãs apres sur complaint de ascuns del paies quex enfourme le parlyament meason que il ne fuyt passe en lentier countye 30. ou 40 persons, que

tient

tiental value de xx.li. terre hors de Gauelkind, q' en defaut de auters, et p reason de tiel exemption, fueront continualm̃t molest per returnes en attaints, cẽ act fuit tout repeale.

holde to the value of xx. pounde lande, out of Gauelkinde, who in default of others, and by reason of that exemption, were continually molested by returnes in Attaintes, that act was vtterly repealed.

Le statute 14. H. 8. cap. 6. done libertie a chesc' hõe (ayãt haut chimin per ses terres en le wealde que est vvorne profound, et incõmodious pur passage) pur mise hors vn aut' voy, en ascun tiel aut' lieu de sa terr', cõe serr' pense conuenient p le vieu de deux Iustices de le peace, et xij. auters homes de vvisdome & dyscretion.

The statute 14. H. 8. cap. 6. gyueth libertye to euery manne (hauing highwate throughe hys lande in the weldе that is worne deepe, and incommodious for passage) to lay out another waye in some such other place of hys lande, as shalbee thought meete by the vyewe of two Justyces of the peace, and twelue other men of wysdome and discretion.

Le general ley fait 35. H. 8. 17. pur le

The general law, made 35. H. 8. 17. for the

pre-

preseruation of Copeises woodes thorough out the Realme, maketh plaine exception of all woodes within this wealde, vnlesse it be of such as bée common &c. And here amende of thys matter. I will make master Litteltons answere to such as happe-lye wil demaunde what reason thys custome of gauelkinde discent hath thus to deuyde lande amonge al the males cõtrary to the manner of the whole Realme béesides: The yonger sonns (sayth he) be as good gentelmen as the elder, and they (beinge a like dœre to their common auncestour, from whom they claime) haue so much the more nœde of their frẽds

preseruation de Copeises boyes per tout le Realme fait plaine exceptyon de toutes boies deins cẽ wealde sinon il soyt de tiels queux sount cõmon. Et issint vn fine de cẽ matter, sauant que ieo voile faire master Litteltons respons as tiels q̃ voylent demaunde, quel reason cest custõe de Gauelkind discent ad issint pur deuide terre ent touts les males cõtra al manner de tout le Realme aylours: Les punees fites (dit il) sount auxi graund gentelhomes, come le eignee, et ils (esteants cy chare a lour common aunceſtour, de que ils claime) ount taunt le plus beesoigne del ayde lour amies

amies come (per reaſon de lour minorytie) ilś ſont meins able q̄ le eigne frere pur aider lour m̄s &c.

helpe as (therowe their minority) they be leſſe able then the elder Brother to helpe themſelues &c.

Gelde.

GEld, hoc eſt quietē eſſe de conſuetudinibus ſeruilibus que quondā dare conſueuerūt et ad huc dant', ſic hornegelde et hijs ſimilibus.

Gelde.

GElde, that is to bee quite of ſeruile cuſtomes which were wōt to be geeuen, and are yet giuen, as hornegelde and ſuch like.

Grithbrech.

GRithbrech, hoc eſt pax dn̄i regis fracta, quia (Grith) angl' pax latine.

Grithbrech.

GRithbrech that is the kinges peace broken, becauſe (Grith) in Engliſh is par in latin.

Hangewite.

HAngwite, hoc ē quietum eſſe de latrone ſuſpenſo ſine iudicio, vel extra cuſtodiā veſtram euaſo.

Hangwite.

HAngwite, that is to be quite of a theefe or felon hāged without iugement, or eſcaped out of your cuſtody.

Hariot.

HAriot is in ti. ſoꝛtes the one hariot Cuſtome, the other haryot ſeruice.

Hariot ſeruice (ſome ſay) is alwates expꝛeſſed in a mans graunt, oꝛ déede that hée holdeth by ſuch ſeruyce to pay hariot at the time of his death, and thys hariot is payable after ỹ death of the tenaunt in fée ſimſimple.

Hariot Cuſtome, is where hariotes haue byn payed tyme out of mynde by cuſtome. And thys may bée after the death of tenant foꝛ lyfe &c. But to ſpeake therof generally.

Hariot is the beſt beaſt (whether it be hoꝛſe

Hariot.

HAriot eſt en deux ſortes, lun hariot cuſtome, lauter hariot ſeruice.

Hariot ſeruice (aſcuns diount) eſt touts foytes expreſſe en le graunt dun home, ou en ſon fait que il tient p̄ tiel ſeruice pur paier hariot al temps de ſon mort. Et cé hariot eſt payable apres le mort de le tenaunt en fee ſimple.

Hariot Cuſtome, eſt lou hariots ount eſte paies téps hors de memorie per cuſtom̄. Et ceo poet eſte apres le mort de tenaunt pur vy &c. mes a parler de ceo generalment.

Hariot eſt le meliour beaſt (ſoyt il Chiual, Boef,

Boef, ou vach) q' l' tenant ad al temps de ſõ mort. Et poet eſte ou ſeiſt, ou vn diſtreſſe priſe pur ceo, ſoyt il hariot ſeruic', ou hariot cuſtome al vſe del ſñr de que le tenãt tyent, per ſon bailife, ou auter offycer de ſon maner.

Mes de droit le ſeigniour, ne ſõ officer ne doet prender hariot, deuant que il ſoit preſent al pcheine court tenus que le tenãt eſt mort, et que tiel beaſt eſt due al ſñr pur ſon hariot.

Dre, or Cowe) that the tenaunt had at the tyme of his death. And may bee either ſeyſed, or a diſtreſſe taken for it, whether it be hariot ſeruice, or hariot cuſtome, to the Lordes vſe of whom the tenaunt held, by hys Bailife, or other officer bælonginge to hys manour.

But of right the Lord, nor hys officer ſhould not take hariot before it bee preſented at the next court holden, that the tenant is dead, and that ſuch a beaſt is due to the Lord for his hariot.

Haybote, ou Hedgebote.

HAybote, ou Hedgbote, eſt neceſſarie ſtuffe pur fair' eramẽd hayes, q̃ leſſee pur ãs, ou pur vy, de cõmon

Haybote, or Hedgebote.

HAybote, or hedgebote, is neceſſarie ſtuffe to make and mend hedges, which leſſee for yeares, or for lyfe of common

ryght

right may take vpon the ground to him leased, although it bée not expressed in his lease, and although it bée a lease by wordes without writinge.

droit poet prend' sur le terre a luy lesse, nyent obstant il ne soyt expresse en sõ leas, et nient obstãt que il soit vn lease p parols saũs escript.

Haybote also may bée take for necessary stuffe, to make Rakes forkes and such like instrumẽts wherewith men vse in sommer to tedde & make hay: and so a lessée for yeares take it, & it was allowed him by hys lessor, the rather, as I suppose, for that such instruments are commonly made of slender vnder wood, which by the common lawe lessee for yeres may cut and take as is aforesaid.

Haybote auxi poet este prise pur necessarye stuffe pur fayre Rakes, forkes & tiels semblables instrumẽts oue q̃ux hões vsount en Sũmer d' tedder et faire feiñ. Et issint vn lessee pur ans prist c', et fuit al luy allovve p son lessour, le rather cõe ieo supp̃, pur c' q̃ tiels instrumẽts sõt cõmunemẽt fayt de slender subboys, q̃ per le cõmon ley lessee pur ás poet succid' & p̃nder cõe est auantdit.

Hidage.

HIdage, that is to bée

Hidage.

HIdage, hoc est

quietū eſſe ſi dñs Rex talliauerit totam terrā per hidas.

Nota que vn hide de t're, ẽ vn entier plowland. Et ceſt kinde de taxing per hides fuit mult vſe en viel tẽps, cybñ pur ꝓuiſion de armour, cõe paiments de argent, et c̃ principalmt, en les iours del roye Etheldred (vn roy en cẽ pais deuant le conqueſt (q̃ en l' an de Criſt 1006. qñt les Danes priſt lãd as Sãd wich en Kẽt, taxe tout ſõ t're p hides en ceſt mañ. Que cheſc̃ 310. hides d' t'r' doiẽt troũ vn nyefe furniſh, et cheſc' 8. hides, doient troũ vn iack & vn ſallet, pur le defence del Realme.

quit if the king ſhal take al the land by hides.

Note that a hyde of land is a whole plowe-land. And this kynde of taxinge by hides was much vſed in old tyme, as well for prouiſion of armour, as paymentes of money, & that chefely in kinge Etheldredes daies (a kinge in thys Countrey before ẏ conqueſt) who in the yeare of Chriſt 1006. when as the Danes landed at Sandwich in Kẽt, taxed al his lãd by hides thus. That euery 310. hydes of land ſhould find one ſhip furniſhed, & euery 8. hides ſhould find one Jacke & one ſallet, for ẏ defence of ẏ Realme.

Hotchpot.

HOtchpot, ẽ vn medling, ou mixing en-

Hotchpot.

HOtchpot, is a medlynge, or mixinge together,

gether, and a partition of lands giuen in frankmariage, wyth other lands in fee simple dyscended as for example, a man seysed of 30. acres of land in fee simple hath issue ii. daughters, & gyueth vñ one of his daughters to a man ỹ marieth her x. acres of the same land in frankemariage, and dieth seysed of the other 20. acres: Nowe if she that is thus maried wil haue any part of the 20. acres whereof her father dyed seysed: She must put her lands gyuen in frankmariage, in hotchpot, that is to say she must refuse that gyft in frankemariage, and suffer the land to be commixt and mingled together, vñ the other land whereof her father

sembl', et vn partic' de t'res dõe en frãkmar', oueſq; aut's terres en fee ſimple diſcendus. Cõe pur example, vn hõe ſſie de 30. acres d' terre en fee ſimple, ad iſſu ij. files, et done o-ueſq; vn de ſes files al vn hõe que luy marie x. acres d' ceo terre en frankmariage, et mo-ruſt ſeiſie de les auters xx. acres; Ore ſi el que eſt iſſint marie voil' a-uer aſcun part de les xx. acres de que ſon pier moruſt ſeiſie: El doyt miſe ſa t'res dõe en frankmariage, en hotchpot, ceſt adire, el doit refuſer cẽ doñ en frankmaryage, et ſuffer le terre deſte commixt, et mingle enſemble oueſq; l' au-ter terre de q̃ ſon pier

moruſt ſeiſie, iſſint q̄ vn equal deuiſiō poet eſte fait de lentiert p-ēter luy et ſa ſoer. Et iſſint pur ſa x. acres, el auera xv. autermēt ſa ſoer voet auer les xx. acres, de q̄ lour pier moruſt ſeiſi.

dyed ſeyſed, ſo that an equall deuiſion may bee made of the whole betweene her and her Siſter: and thus for her 10. acres ſhee ſhall haue xv. els her Sister wyll haue the xx. acres, of whych their father died ſeyſed.

Homeſoken.

HOmeſokē (ou hāe ſoken) hoc ē quietum eſſe de amerciament', d' ingreſſu hoſpiciorū violent' et ſine licentia, et contra pacē dñi regis. Et qd' teneatis placita d' huiuſmodi trāſgreſſione facta in curia veſtra, et in terra veſtra.

Home Sokene.

HOme ſoken (or hane ſoken) ỹ is to be quit of amercements for entringe into houſes vyolently & without licēce, & contrary to the peace of the kinge. And that you hold plea of ſuch treſpas done in your court, and in your land.

Homicide ou manſlaughter.

HOmicide, ou manſlaughter, eſt le occid' dū hōe felonioūſment, ſauns malyce

Homicide or mānſlaughter.

HOmicide or manſlaughter, is the killing of a man felonioūſly, without malice fore thought:

thought: It is also defined thus: Homicide is the killing of a man, by a man: and if such kylinge be don by a dogge, ore, or other thinge, it is not properly called homicide: for it is called homicide of a man, & to kil as ỹ killing of a man.

prepence.

Il est auxi define issint, homicidium est hominis occisio, ab homine facta, si autẽ a cane, boue, vel alia re, non dicitur ꝓprie homicidium, dicitur homicidium ab homine, et cædo quasi hominis cædium.

Hornegeld.

HOrnegeld, ỹ is to be quit of a certeine custome exacted by tallage thorowe all the lande, as of whatsoeuer horne beast.

Hornegelde.

HOrnegelde, hoc ẽ quietum esse de quadam cõsuetudine exacta per tallage per totã terr', sicut de qua cunq; bestia cornuta.

Housebote.

HOusebote is necessary timber, ỹ lessee for yeres, or for like of common right may take vpon ỹ groũd to repaire ỹ houses vpon ỹ sãe groũd to him leased, although it bee not expressed

Housebote.

HOusebote est necessary tymber, q̃ lessee pur ans, ou pur vie, de cõmõ dr't poet prend' sur le terre, pur repaire les measõs sur m̃ l't're a luy lesse, niẽt obstãt il ne soit exp̃sse

en le leaſe, et nïet ob-
ſtãt il ſoyt vn leas per
parolx ſaũs fait: Mes
ſil ꝑſt pluis q̃ beſoigñ,
il poet eſte punish per
vn action de waſt.

in ỹ leaſe, and although it
be a leaſe by wordes wi-
out dëed: But if hëe take
more then is needefull,
hëe may bee punished by
an action of waſt.

Hundred.

HVndreds fuerount
deuiſe per Alfred
le roy, apres que il ad
deuide lentier Realm̃
en certeine partes ou
Sections, le quel d'le
Saxon parol *Scynan*,
ſignifiant de ſcinder, il
terme Shires, ou (ſi-
come nous vncore p-
le) Shares, et portiõs,
Ceux Shires il auxi
enfringe en petytes
partes, de q̃ux aſcuns
fuer' apples Lathes de
le parol *Ielapian*, que
eſt, de aſſẽbler enſẽ-
ble, auters Tithings,
iſſint noſm̃, pur c̃ q̃ la
fuer' en cheſc' de eux

Hundred.

HUndredes were deui-
ſed by Alfred ỹ kinge,
after that hëe had deui-
ded the whole Realme
into certeine partes or
Sections, which of the
Saxon word *Scynan* ſig-
nifying to cut, he ter-
med Shires, or (as wee
yet ſpeake.) Shares, and
portions: Theſe Shires
hëe alſo brake into ſmal-
ler partes, wherof ſome
were called Lathes of
ỹ word *Ielapian*, which
is to aſſemble together:
others Tithinges ſo na-
med becauſe there were
in each of them to the
number

number of ten persons, al number de x. psons
whereof each one was de que chescun fuit
suertie and pledge for suertie, et pledge pur
others good abearinge: auters bone behauy-
others hundreds because our. Auters hundreds
they contayned iurisdic- pur ceo q̃ ils containe
tion ouer an hundred iurisdictiõ sur vn 100
men or pledges, dwel- hões, ou pledges de-
linge paraduenture in murrant paduenture
ii. or iii. or more parishes en 2. ou 3. ou pl⁹ pa-
Boroughes, or townes, roches, borowes, ou
lyinge and adioyninge villes, esteant et adioi-
neuertheless somewhat nants nient meins p̃-
nere together, in which chein ensemble, en le
he appointed adminys- quel il appoint admi-
tration of Iustice to bee nistrac' de Iustice deẽ
exercysed seuerally a- exercise seueralment
monge them of ỹ same enter eux de m̃ le hũ-
hundred, and not that dred, et nemy que lun
one should runne out dis- irra hors disordermẽt
orderly into an others en lauter hundred,
hundred, lath, or tithing, lath, ou tithing, en q̃
wherein he dwelled not. il ne demurt. Ceux hũ
These hundreds cõtinue dreds continue al cest
to this day in force, al- iour en force, nyent
though not altogether to obstant non en tout
ỹ sãe purpose, wherũto at al m̃ le purpose pur q̃

al primer ils fuerount ordeine vncore a ore mult neceſſary, et en temps de peace pur bon ord' de gouern-ment dyuers voyes, et auxi en guerre pur certeyntie de leuying de homes, come auterment pur le plus ſpedye collections de payments graunt en parliam̃t al les Royes, et roignes d'cẽ realm̃.

the firſt they were appointed yet ſtyll very needful both in tyme of peace for good order of gouermẽt diuers ways, & alſo in warre for certeinty of leuying of mẽ: as els for the more ready collections of payments graunted in parliament to the kynges and Quẽnes of thys Realme.

Hundredum.

HVndredũ, hoc eſt quietum eſſe d' denarijs vel cõſuetudinibus faciendis prepoſitis et hũdredarijs.

Hundred.

HVndredum, that is to bee quit of money or cuſtomes to bee done to the gouernours & hundredors.

Ideot.

IDeot eſt celuy que eſt vn ſot naturall de ſa neyſture, et ne ſcauoit de accompter ou number xx. d'.

Ideot.

IDeot is he that is a fole naturally from hys birth, and knoweth not howe to accompt or number twenty pence nor

nor cannot name hys father, or mother, nor of what age hymselfe is, or such like easie and common matters: soe that it appereth he hath noe maner of vnderstãdinge of reason nor gouernement of him selfe what is for his profit, or disprofit &c. But if hee haue soe much knowlege that he can reade, or lerne to reade by instruction and informatyon of others, or can measure an elle of cloth, or name the daies in the weeke, or begette a childe, sonne or daughter, or such lyke, whereby it may appere that he hath some light of reason, then such a one is noe Ideot naturallye.

ne poyt nosmer son pere ou mere, ne d'ql age il mesme est, ou tiel sẽblable playne et cõmon choses, issint q' il appiert q' il nad ascũ mañ d' intẽdm̃t d'reasõ ne goũnement de luy m̃, q'l est pur sõ, profet, ou disprofet &c. Mes sil adtant entelligence que il poit lier, ou apprender de lier per instruction et information de auters, ou poet measure vn vlme d'drape, ou nosme les iours en le semaine, ou engend'vn enfaunt, fites ou file, ou tiel sẽblable per q' il poit appere, q il ad asc' lumen de reason: donq; tiel nẽ Ideot naturalment.

Vnlawful assembly. *Illoyal assemblie.*

Illoy-

ILloyal assemblie, est lou people eux assēble insimul pur faire illoyal chose encounter le peace, nient obstaunt que ils ne execute lour purpose en fait.

VNlawfull assemblye, is where people assemble them selues together to do some vnlawful thing against the peace, although that they execute not their purpose in deede.

Imparlance. *Imparlance.*

IMparlance, est quāt vn action de dette, trespas, ou tiels semblables, est port ēuers vn home, et apres q' le pleintife ad count ou declare, le defendant pria le court que il poit auer temps de mise eins son respons al auter iour en mesme le terme, ou en le procheine terme, cest staye de respons est appel imparlance.

IMparlaunce is when an action of dette, trespasse, or such lyke is brought against a man. and after that the pleintife hath counted, or declared, the defendaunt prayeth the Court that hee may haue tyme to put in hys aunswere, at an other daye in the same terme, or in the nexte terme follo wynge, this staye of aunswere is called imparlaunce.

Impri-

Impriſonment.

Impryſonment is noe other thynge, but the reſtraynt of a mannes libertye, whether it bee in the open feelde, or in the Stockes, or Cage in the ſtreates, or in a mans owen houſe as well as in the common gaole. And in all theſe places the partye ſoe reſtrayned is ſayed to be a priſoner, ſoe longe as hee hath not hys lybertye freely to goe at al times whether he will, without baile, mainprize, or other auctho̅itye.

Impriſonment.

IMpriſõment nẽ auter choſe forſq̃ le reſtraynt del libertie dun home, ſoit ceo en le ouert champ ou en le Cippes, ou Cage en les eſtrets, ou en le ꝑper meaſon dun hõe, cybyen come en le cõmon gaole. Et en touts ceux lieus, le ptie iſſint reſtraint eſt dit deſte vn priſoñ cy longement cõe il nad ſon lybertie frankemñt de ire a touts tẽps lou il voit, ſans baile, mainprize, ou aut' auctoritie.

Infangethefe.

Infangethefe, that is that theeues taken with in youre demeſne or fee con-

Infangethefe.

INfãgthefe, hoc ẽ qd' latrones capti in dñico vel in feod' vr'o de

de latrocinijs cõuicti,' in curia veſtra iudicet'

convicted of theftes, ſhall be iuged in your court.

Imformation.

INformation pur le Roine ẽ c̃ q̃ pur vn comõ pſõ ẽ appel vn declarac', et nẽ toutes foites fait directment per le Roigne, ou ſa atturney mes per vn aut' hõe, Qui tam pro dña regina quã pro ſe ipſo ſequitur, ſur le breach de aſcun penall ley ou ſtatute, en que vn penalty eſt done al partie q' voet ſuer pur ceo, mes nul acc' de det pur recoũ ceo, donc̃ il doit eſte evve per Informatyon.

Information.

INformation for the Quéene is that which for a common parſon is called a declaration, and is not alwaies done directly by the Quéene, or her atturney, but rather by ſome other man who ſueth or inſourmeth as wel for ỹ Quæne, as for him ſelfe vppon ỹ breach of ſome penall lawe or ſtat wherin a penalty is giuen to ỹ party that wil ſue for ỹ ſame, but no action of det to recouer it, then it muſt be had by inforꝛmation.

Iointure.

IOynture eſt vn eſtate et aſſurance fait al vn feme en conſi-

Ioynture.

IOynture is an eſtate and aſſuraunce made to a woman in conſi-

dera-

deration of mariage for terme of her life, or otherwise, whether it bee before or after ỹ mariage. And if it bee after the mariage then shee may at her libertie after the death of her husbande refuse to take or haue the landes soe assured for her Joynture, and demaund her dower at the cõmon lawe.

But if it be made before mariage then shee may not refuse such iointure, nor haue dower accordinge to the common lawe, vnlesse that when she bringeth her writte of dower, the defendaunt pleadeth such a plea that will not barre her of her dower, then shee shalbee endowed as if he say in barre, that her husbande was not

derac' de mariage, pur terme de sa vie, ou auterment, soit il deuant ou apres le mariage. Et si soit apres le mariage, donq̃ el poit a son libertie apres le mort de sõ barõ refuser de prend' ou auer les terres issint assure pur sa iointure, et dd' sa dower al le comen ley.

Mes sil soit fait deuaunt mariage donq̃ el ne poit refuser tiel Iointure, ne auer dower accord' al comon ley, sinon que quant el port sa briefe de dovver, le defendant pleade tiel ple que ne voile luy barrer de sa dovver, donques el serra endovve: si come il dy ten barre, que sa baron ne fuit

seis

seisie de tiel estate de quel el doit este endovve, ou asc' tiel ple, et ne mr' que el ad vn iointur' fait &c. et pur c' dd' iudgem't del acc' ou iudgem't si el serra auxi endowe, ou ascũ tiel sẽblabl' ple &c. Et ceo fuit loppinion de le droit vvorshipfull master Brograue al sõ lecture en Graies Inn en Sõmer An 1576. 18. Elizabeth, sur vn braunch del stat' fait Anno 27. H. 8. cap. 10, concernant Ioyntures et dovvers.

seised of such estate whereof she myght bee endowed, or any such plea, and doth not shewe that she hath a ioinsture made &c. and therefore demaunde iudgement of that action, or iugement if she shalbee also endowed, or any such like plea &c. and this was the oppinion of ỳ right worshipful master Brograue at his reading in Graies Inne in Sõmer Anno 1576. 18. Eliz. vppon a braunch of the stat made An. 27. H. 8. c. 10. cõcerning iointures & dowers.

Et per luy de ceux choses de q' vn feme poit este endovve, el poit aũ vn ioynture, cõe de meins, vesturã t're, boies, villes, Iles, meadowes, et tiels sẽblables. Item dun ad-

And by him of those things whereof a woman may bee endowed, she may haue ioynture, as of mines, vesturam terre, woodes, Townes, Iles, meadowes, and such like. Also of an ad-

now-

nowson, of a reuersion depending vpō an estate for life, of a windmil, a high chamber, a rectorie and such other, and they are called tenemēts, Also of a villen, for hée is an heredytament, & of all these profet may come to the woman. Bu of those thinges whereof noe profet will cōe, but rather a charge, a ioynture cannot be made.

uowson, dun reūsion depēdāt sur vn estate pur vie, dū Windmil, vn haut chamber, vn rectorie et tiels aut's, et ils sōt appels teñts, Item dun villen, car il est hereditamēt. Et de touts ceux ꝑfit poet vener al femē. Mes de ceux choses de q' nul ꝑfit voet veñ, mes pl⁹ toft vn charge, vn ioint' ne poet cē fait.

Theft.

THeft is a deceiptfull taking away of an other mans gwds, but not from his parson, with a minde to steale them, a gaynst hys will whose gwds they were.

And theft is in two sorts, ỹ one so called simplie, & the other pety or little theft.

Larceny.

LArceny est vn deceiptful pryse des biens dun autei homē, mes nemy de sō person, oue vn ment de eux embleer encounter sō volunt que biens ils fuerount.

Et larceny est en deux sortes, lun isſint appel simplement, et lauter petite larceny.

Le

Le primer est lou le chose emblee exceda le value de xij. d. et ceo est felony.

Le auter (que est appel petit larceny) est lou le chose emblee, ne exceda le value de xij. d. et c' nest felony.

The first is where the thynge stollen exceedeth the value of xij. d. and ỹ is felony.

The other (which is called litteltor petiet theft) is where the thyng stolen doth not exceede ỹ value of xij. d. and that is no felony.

Lastage.

LAstage, hoc est quietum esse de quadam cõsuetudine exacta in nundinis et mercatis pro rebus cariandis vbi homo vult.

Lastage.

LAstage, that is to be quite of a certeine custome exacted in faires anymarkets for caryinge of thinges where a man will.

Lessor et lessee.

LEssor ê celuy que lesse terres, ou tenements al auter pur terme de vie, ans, ou al volunt, et celuy a que le lease est fait, est appel lessee.

Lessor and lessee.

LEssor is he that lesseth landes or tenementes to an other for terme of life, yeres, or at wil, and hee to whome the lease is made, is called lessee.

Leuant

Leuant, & couchant.

LEuant, & Couchant is sayde, when the beastes or Cattell of a straunger are come into an other mans ground, & there haue remayned a certen good space of time so longe that they haue wel fedde, & also reited them selues.

Leuant & couchant.

LEuãt & Couchãt est dit, quant les beasts, ou cattel dũ estraũger sõt venu en le t're dũ auter hõe, et la oũt remain vn certen bone space de temps, cy long q̃ ils oũt bien manger, et auxi eux mesmes rest.

Wager of lawe.

WAger of lawe, is when an accion is brought against one wythout especialty shewed, or other matter of recorde, as an accion of debt vpõ contract or detinue, then the defendãt may wage his lawe, that is to say, swere vppon a booke, and certaine persons wyth him, that hee owyth nothing to the playntife in manner and fourme as hee hath declared. But

Ley gager.

LEy gager est quãt vn acc' ẽ port vers vn sãs especialty mr'e, ou auter matter d'recorde: cõe action de dette sur vn contract, ou detinue, donques le defendaunt puyt gage sa ley sil voile. s. iurer sur vn lyuer, et certeyne persones oueſq; luy, q̃ il doyt riens al plaintife en le maner & fourme cõe il ad declare: mes

en action d'det ſur vn leas pur terme dans, ou ſur arrerages de accompt deuaunt auditours aſſigne, home ne gagera ſa ley. Mes quaunt vn gagera ſa ley, il ameſnera oueſque luy vj. viij. ou xij. de ces vicines, cõe le court luy aſſignera de iurer oueſq; luy, & ſi al iour aſſigne, il faut de ſa ley, donq; il ſera condempne.

in an action of debt vpon a leaſe for terme of yeres, or vpon the arrerages of accompt before auditors aſſigned, a mã ſhal not wage his lawe. And whẽ one ſhal wage his lawe, hee ſhal bring with him vj. viij. or xij. of his neighbours as the court ſhall aſſigne hym, to ſwere with him. And if at that day aſſigned he faile of his law, then hee ſhalbe condemned.

Liuerie de ſeiſin.

LIuery de ſeiſin, ẽ vn ceremony vſe encõ ueyance de terres ou tenements lou vn eſtate en fee ſimple, fee tayle, ou vn frankte-nement paſſera. Et il eſt vn teſmoigne d'le voluntarie departing de tout ceo que il que

Liuery of ſeyſin.

LIuery of ſeyſin, is a ceremony vſed in conueyance of landes or tenemẽts where an eſtate in fee ſimple, fee taile, or a freehold ſhal paſſe: and it is a teſtimonial of the willing departing from all that which he who

makes

makes the liuerie hath in the thinge whereof liuerie is made: And the receyuinge of the liuery, is a willing acceptance by the other partie of all that whereof the other hath dismissed him selfe: And was inuented as an open and notorious thing, by meanes wherof the common people might haue knowledge of the passinge or alteration of estates from manne to manne, that thereby they might bee the better able to trie in whō the right and possession of landes and tenements were if they should be impanelled in Juries, or otherwyse haue to doe concernyng the same.

fait le liuerie ad en le chose de que lyuerie est fayt: Et le resceyt del liuerie est vn voluntarie acceptaunce par le auter partie, de tout ceo de que lauter ad luy dismisse. Et fuit inuent come vn ouert et notorious chose, per meanes de que le commō people poyent auer intelligence de passing ou alteration de estates de hōe al home, q̄ per ceo ils poyent estre le meliour able pur trier en que le droit et possession de terres et tenements fueront, sils doyent este impanell et iuries, ou auterment ount a faire cōcernant ceo.

The common maner

Le common maner

de liuery de ſeiſin, eſt en ceſt ſort fayt: Si il ſoit en le ouert chãpe ou nẽ edifices ou meaſon, donques vn que poet lyer priſt le fayt en ſõ mayne, ſi leſtate paſſera per fayt, et declare al eux que la ſount, le cauſe d' lour venir la enſemble, et donques ouertment lia le fayt en Englois, et apres que il ẽ ſeale, le partie que eſt a departer oue le terre, pryſt le fayt en ſes maynes enſemble oueſque vn clodde del terre, et vn twigge ou bovve, ſil y ad aſcun la, et tout ceo il deliuer al auter partie, en le noſme de poſſeſſyon ou ſeiſin accordãt al fourme et effect d'l fayt, que deuant eux

of deliuery of ſeyſin is after this ſort done: If it bee in the open fielde where is no buildyng or houſe, then one that can read taketh the writtinge in his hand, if the eſtate ſhal pas by deed, and declareth to the ſtãders by, the cauſe of their meevyng there together &c. and then openly readeth the deed in Engliſh, and after that it is ſealed, the partie who is to depart from the ground, taketh the deede in his handes together with a clodde of the earth, & a twigge or bowe if any there be, and all this hee delyvereth to the other partie in the name of poſſeſſion or ſeyſin, accordyng to the forme & effect of the deed, which before them

was

was there reade. But if there bee a dwellynge house or buildinge vpon the land, then thys is done there at the doore of the same none beeyng left at that tyme wythin the house, and ỹ partie deliuereth all the aforesaid together wyth the ryng of the doore, in the name of seysin or possession, & hee that receiueth the liuerie entreth in first alone and shutteth to the doore, and presently openeth it agayne, and letteth them in &c. If it be of a house whereto is noe land or ground, the liuerye is made and poss. taken by the deliuerie of ỹ ringe of the doore & deed onely. And where it is without deed either of landes, or tenementes, there the

fuit la lie. Mes sil soyt vn habitation ou edifice sur le terre, donques ceo est fayt la al doore del céo nul esteant relinquishe a cest temps deins le meason, et le partie deliuer tout les auãtdits ensemble ouesque le annuel del doore en le nosme de seysin ou possessyon, et il que receyua le lyuerie entra prymes sole et shotta le doore, et presentmẽt ouert ceo, et lessa eux eyns &c. Sibsoyt dun meason a que est nul terre, le liuerie é fayt et possession prise per le deliuery del annuel del doore et fayt solement. Et ou il est sauns fayt de terres ou teneméts, la le

partie declare per parol deuaũt teſmoign, leſtate q' il entend de depart oue, et dones deliuer ſeiſin ou poſſeſſion, en maner come eſt auantdit, Et iſſint le terre ou tenement paſſera cybyen lou il nad fayt, come per fait, et ceo p force del liuerie de ſeyſin: Il fuit agree en Graies Inne per l' droit worſhipfull M. Snagge, al ſõ lecture la en Sõmer Anno 1574. que ſi vn feoffour delyuer le fayt en viewe del terre, en noſme de ſeyſin, que il eſt bon, pur ceo que il ad vn poſſeſſion en luy meſme. Mes autermẽt eſt dun atturne, car il doyt aler al terre, et

partie declareth by word of mouth before wytneſſe, the eſtate that he meaneth to depart with, and then deliuereth ſeyſin or poſſeſſion in maner as is before ſayde: and ſo the land or tenement doth paſſe as well where there is no deede as by deede, and that by force of the liuerie of ſeyſin: It was agreed in Graues Inne by the right worſhipful maſter Snagge, at his readyng there in Sõmer an. 1574 that if a feoffour deliuer the deed in viewe of ỹ lãd, in name of ſeyſin, that it is good, becauſe that hee hath a poſſeſſyon in him ſelfe. But otherwyſe yt is of an atturney, for hee muſt goe to the lande, and take

take possession hym selfe, before that he can gyue possession to an other, according to the wordes of hys letter &c. And where liuerie of seysin is by viewe, if the feoffee doe not enter after &c. nothynge passeth, for hee ought to enter in deede.

pryse possession luy mesme, deuaunt que il poet doner possession al auter, accordant al parolx de son letter &c. Et lou liuery de seisin est per le viewe, si le feoffeo ne entra pas puis &c. nul chose passa, car il doyt enter en fait.

Lotherwite.

LOtherwite, that is ỹ you may take amẽdes of him which doth defile your bondwoman without your licence.

Lotherwite.

LOtherwite, hoc est quod capiatis emẽdas ab ipso qui corrũpit natiuam vestram sine licentia vestra.

Mahim, or maim.

MAhim, is where any mẽber is hurt or takẽ away, whereby ỹ party so hurt is made imperfect to fight: As if a bone bee taken out of the

Mahim ou Maime.

MAhim est lou ascun member est damnifie ou tolle, per que le partie issint dãnifie est fait imperfect a cõbatier. Cõe si vn osse soit prise hors del

teſt: ou vn oſſe ſoyt
debruſe en aſcun au-
ter part del corps, ou
vn pee, ou maine, ou
digit, ou ioint dũ pee,
ou aſcũ member ſoyt
ſcyer: ou per aſcun
plague, les nerues ſõt
fayt de shrinker, ou
auter member, ou les
digits fait curue, ou ſi
vn oyl' ſoit miſe hors,
ou les auteriour dẽtes
debruſe, ou aſcun au-
ter choſe en le corps
dũ hõe, p reaſõ de q̃ il
eſt fait le meines able
pur defender luy m̃.

Mes l' ſcier dũ orail,
ou neſe, ou lenfreind'
del dents moliers, ou
tiels ſẽblables, nẽ aſcũ
maihem, pur c̃ q̃ il eſt
pluis vn deformity d'
l'corps, q̃ vn defect d'l
ſtrẽgth. Et ſi les iuſtic'
ſõt en doubt ſi le dam̃
ſoyt vn mayhem ou

hedde: or a bone bee bro-
ken in any other part of
the body: or a foote, or
hand, or finger, or ioynt
of a foote, or any mem-
ber bee cut: or by ſome
wound the ſinewes bee
made to ſhrinke, or o-
ther member, or the
fingers made crooked, or
if an eye bee put out, or
the foretæth broken, or
any other thinge hurt
in a mannes body by
meanes whereof hee is
made the leſſe able to de-
fend him ſelfe.

But the cuttinge off of
an eare, or noſe, or brea-
king of the hinder tæth,
or ſuch like, is no may-
him, becauſe it is rather a
deformity of ỹ body, thẽ
diminithing of ſtrength.
And if the Juſtyces
ſtand in doubt whether
the hurt be a maihim or

not,

not, they vse, and wil of their great discretiõ take the helpe and opinion of some skilful Surgeon, to consider thereof, before they determine vpon the case.

nemy, ils vse, et voylent de lour graunde discrec' prend' le aide et opinion de ascun erudite Surgeon pur consid' de c' deuãt q' ils determiñ sur le cas.

Mainprise.

MAinprise is when a mã is arrested by capias, then the Iudges may deliuer his bodie to certeine menne for to kæpe and to bringe him before them, at a certaine daye, and these be called mainpernours, and if the partye appeare not at the daye assigned, the mainpernoures shalbe amerced.

Mainprise.

MAinprise est quant vn hõe est arrest p Capias, donq; les Iudges poiẽt deliuer son corps a certaine hões pur garder, et de luy amesn' deuãt eux a c'taine iour, et ceux sõt appels mainpernors, & si le partye ne appere al iour assigne, le mainpernors serront amercies.

Mannour.

MAnnour, is a thinge compounde of diuers thinges, as of a house

Mannour.

MAnnor, ẽ vn chose compound de diũs choses, cõe dũ measõ terre

terre arrable, paſture, pree, boyes, rent, auowſon, court baron, et tiel ſẽblable fõt vn manñ, et ceo doit eſte p auncient cõtinuãce de tẽps, cuius cõtrariũ memor' hominũ non exiſtit, car a ceſt iour vn manñ ne poit eẽ fait pur ceo q̃ vn court baron ne poet eẽ fait a pr̃, et vn manñ ne poit ẽe ſãs vn court baro et ſuters, ou frãk', deux al meins, car ſi touts les frank' pret' vn eſcheate al le ſñr, ou ſil purchaſe tout, pt' vn, la ſon manñ ẽ ale, pur c' que il ne poit eſte vn manñ ſans vn court baron (cõe auant dit) & vn court ne poit eſte tenus mes deuant ſuters, et nemy deuãt vn ſut, et ideo iou forſq̃

lande arrable, paſture, meadowe, woode, rent, auowſon, court baron, and ſuch like make a manor, & this ought to be by longe contynuaunce of time, to the contrarye whereof mans memory cannot tel, for at this day a manor cãnot be made, becauſe a court baron cãnot nowe be made, and a manour cannot be wout a court baron, & ſuters, or freeholders, two at the leaſt, for if all the freeholdes except one eſcheate to the lord, or if he purchaſe al except one, there his manor is gone, for that it cannot bee a manno? without a court Baron (as is afore ſaid) and a court baron cannot bee holden but before ſuters, & not before one ſuter, & therfore where but

one freehold or freehol-
der is, there cannot bee a
mannour.

vn franktenemēt, ou
franktenant est, la ne
poet este vn manner.

Manumission.

MAnumission is in ii.
sortes, the one is a
manumission expressed,
the other a manumissiō
implyed or secreat.

Manumission expressed
is when the lord ma-
keth a deed to his villein
to enfraunches hym by
this word (Manumitto
re) which is as much to
say as to let one goe out
of an other mans hands
or power.

The manner of ma-
numittinge or infraun-
chising in old time most
usually was thus. The
Lorde (in presence of
his neyghbours) take
the bonde manne by
the heade saying, I wil

Manumission.

MAnumission est en
deux sortes, le vn ē
vn manumission ex-
plicita, lauter vn ma-
numission implicita.
Manumission explī-
cita, est quant le seig-
nior fait vn fait al son
villein pur luy enfra-
chese or cest parol
manumittere, quod
idem est quod extra
manū vel extra po-
testatē alterī ponere.

Le maner de Ma-
numitting ou enfra-
chesing en tēps passe
plus vsualmēt fuit is-
sint. Le seignyour
(en psence de ses vi-
cines) pryst le villeine
p' test dist, Ie voile

que

que ceſt home ſoyt franke, et oue c' il luy miſe auant hors de ſes maines, et per c' il fuit franke ſans aſc' pluis faire. Manumiſſiõ implicita ſans ceſt parol (Manumittere) ẽ qñt le ſñr fait vn obligac' a ſõ villen a paiera luy mony al vn cten iour, ou luy ſue, ou il poyt ent' ſans ſuit, ou graũt al ſon villen vn annui tie, ou leſſa terre a luy per fait pur ás, ou pur vie, et en diús tiels ſẽbles caſes, le villẽ per ceo eſt fait franke.

that this maine be frée, and therewyth ſhewed him forwarde out of hys handes, and by this he was frée without anye more a doe. Manumiſſyon implyed wythout this worde (Manumittere) is when the lorde maketh an obligation to his villẽ to pay him money at a certein daye, or ſueth him wher he might enter without ſute, or graunteth vnto his vyllen an annuity, or leaſeth lande to him by deede for yeres, or for life, & in diuers ſuch like caſes, ỹ villen thereby is made frée.

Maximes.

MAximes ſõt les foũdations del ley, & les concluſiõs de reaſon, et ſont efficiẽt, et certein vniuerſal propoſitions, cy ſure &

Maximes.

MAximes be the foundations of the lawe, & the concluſions of reaſon, and are cauſes efficient, & certein vniuerſall propoſitions ſoe ſure and perfect

perfect that they may not bée at any time impeached or impugned, but ought alwaies to bée obserued and holden as strong principalles and aucthorities of thẽselues although they cannot be proued by force of argument or demonstratiõs logicall, but are knowen by enduction by ỹ way of sence & memory. As for example, it is a maxime that if a man haue issue 2. sonnes by diuers women, and the one of them purchase landes in fée and dieth wythout issue, the other brother shall neuer be hys heyre et.

Also it is an other maxime that lãds shal discẽd frõ the father to ỹ sõne, but not frõ the sõne to ỹ

perfect que ils ne poient eẽ a asc' temps impeache, ou impugne, mes doyt touts foyts este obserue et tenus cõe fort principles et aucthorities d'luy mẽ, nyent obstant ils ne poyent eẽ proue per force d'argument ou demonstrations logical, mes sount conus per enduction per le voy de sence & memory. Come pur example il est vn maxim que si vn hõe ad issue ij. fits per diuers venters, et le vn de eux purchase terres en fee et moruſt sauns issue, lauter fits ne vnques serra son heire &c.

Item il est vn auter maxime que t'res discendra del pier al fits, mes nemy del fits al

pire

pier car eſt vn aſcē- tion &c. et diuers ty- els ſemblables il y ad.

father for that is an aſ- cention &c. & diuers ſuch like there be.

Maynour.

MAynour eſt quant vn laron ad emble et eſt purſue oue hue et cry, et priſe, ayant ceo troue oueſq' luy q̄ il ad emble, ceo é appelle maiñ. Et iſſint nous cōmunemēt vſe pur dire q̄nt nous trouom⁹ vn fairās de vn vnloial act, q̄ no⁹ luy priſt oueſque le mainor, ou mañ.

Maynour.

MAynour is when a thæfe hath ſtolne, and is followed with hue and cry, and taken, hauing ỹ founde about him which he ſtole, that is called the maynour. And ſo we cōmonly vſe to ſaye when we finde one doing of an vnlawfull act, that wee take him with the maynour, or maner.

Miſpriſion.

MIſpriſion eſt quant aſc' ſceit q' vn auter ad fait treaſō, ou felony, et il ne voile luy diſcoū al Roigne, ou ſa Coūcel ou a aſcun magiſtrat, eins concela ſon offence.

Miſpriſion.

MIſpriſion, is when on knoweth that an other hath committed treaſon or felony, and will not diſcouer him to the K. or to her councell or to any magiſtrat, but doth conceale the ſame.

A

A chapleine had fixed an olde seale of a patent to a newe patent of non residence, and this was holden to bee mispriſion of treaſon onely, and noe counterfeiting of the K. ſeale.

Vn Chaplein ad fixe vn auncient ſeale dun patent, a vn nouel patent d' non reſidence, et c' fuit ten⁹ dée miſpriſion de treaſon tã, et nul coũterfeiter del ſeale del Roygne.

Alſo if a man knowe mony to be counterfet, & bringe the ſame out of Irelãd hither into England and vtter it in payment, this is but mylpriſion of treaſon, and no treaſon, & ſoe it is in diuers ſuch like caſes.

Item ſi vn aut' ſciet money deſte faux, et port ẽ hors de Irelande en Englet', et vtt' ceo en paym̃t, c'eſt forſq̃ miſpriſion de treaſon, & nemy treaſon, et iſſint ẽ diũs tiels ſẽblables caſes.

And in al caſes of miſpriſion of treaſon, ỹ partie offendor ſhall forfayt his goods for euer, and ỹ profets of his landes for terme of his life, and his body to priſon at the K. pleaſure.

Et en touts caſes de miſpriſiõ de treaſõ, le party offend' forfetra ſes bñs a toutes iours, et les profets de ſes t'res pur terme de ſon vie, et ſõcorps al priſõ al pleaſure del roine.

And for miſpriſion of felonie or treſpas ỹ offẽ-

Et pur miſpriſiõ de felony ou trñs le offẽdor

dour serr' cõmit al prison, tanq; il ad troue suertyes ou pledges pur son fine, que serra assesse p le discrec' de les Iustic' deuaunt q̃ il fuit conuict.

dour shalbee committed to prison vntill hee haue founde suerties or pledges for his fine, which shalbe assessed by ỹ discretion of ỹ Iustices before whom he was conuict.

Et nota q̃ en chescũ treason, ou felony, est include misprision, et lou asc' ad fait treason ou felony, le Roygne poit causer luy deste indit' et arraigne forsque d'misprision solement sil voile.

And note, that in euerie treason or felonye is included misprision, and where any hath cõmitted treason or felony, the K. may cause ỹ sãe to be indited and arrained but of misprision onely if she will.

Monstrans de faits, ou Recordes.

Shewinge of deedes, or Recordes.

MOnstrans de faites, ou Recordes, est sicõe pur example, vn acc' de dette soit port enuers vn sur vn obligac', Ou per execut' &c. la apres que le pl'

SHewinge of deedes, or Recordes, is as if for example, an actyon of dette be brought against one vppon an obligation or by Executors &c. there after that the pleyntif hath

hath declared, he ought to shewe his obligatiõ, or executour the testamẽt to the court, and soe it is of Recordes.

And the diuersitye betwene shewing of dœds or Recordes & hering of dœds or records is thus, he ỹ pleades the dœde or record, or declares vppon it, to him it doth appertaine to shewe the same. And the other agaynst whom such dœde or record is pleaded or declared, and is thereby to bee charged, may demaunde hearing of the same dœd or record, which his aduersarie bringeth or pleadeth against him.

ad declare, il doit mr̃ son obligac' ou le executour le testamẽt al court, Et issint est de Recordes.

Et le diuersitie pertenter Monstrauns de faits ou records, et oier de faits et recordes est issint. Il que pleade le fait ou recorde, ou declare sur ceo, al luy il appertayne de mr'e ceo. Et laut' vers que tiel fait ou record est pleade ou declare, et est p ceo dee charge, poet demaũd oyer de ceo fait ou recorde, q̃ son aduersarie port, ou pleade vers luy.

Mortgage or Morgage.

MOrtgage or Morgage is whẽ a mã maketh a feoffement to another on such condition, that if the feoffour pay to the

Mortgage ou Morgage.

MOrtgage ou Morgage, est quant vn fait vn feoffemẽt a vn auter sur tiel condic' q̃ si le feoffor nava al

feoffee a certaine iour xl.li. dargent, q̃ adonques la feoffour puit reentre &c. en c̃ case le feoffee est appel tenaunt en morgage. Et sicome vn home puit faire feoffem̃t en fee en morgage, issint il puit fair' done en le tail' ou lesse pur term̃ de vie, ou pur terme dans en morgage. Et il semble que la cause pur que il est appell mortgage, est pur c' q̃ il estoyt é aweroust si le feoffor voile payer al iour limit le argent ou nõ, & sil ne pay p̃, dõqs la t're q̃ il met en gage sur condition de paym̃t de le money, é al' d' lui a touts iours, et issint mort a lui sur condic', et sil pay le money, donques est le gage mort quaunt

feoffée at a certaine day xl.li. of money, that then the feoffour may reenter, &c. In thys case the feffee is called tenaunt in morgage. And as a mã may make a feoffement in fee in morgage, so hee may make a gift in tayle, or a lease for terme of life, or for term of yeares in morgage. And it seemeth that the cause why it is called morgage, is for that it standeth in doubt whether the feoffor will pay the money at the day appointed or not, and if hee fayle to pay, then ỹ land which hee layed in gage vppon condition of paymẽt of ỹ money, is gone from him for ever, & is dead to him vpõ cõditiõ: But if he pay ỹ money, then is the gage dead as

to the

to ỹ tenãt, ỹ is to say the a le tenant.s. le feoffe-
feoffée, & for this cause it fee, et pur ceſt cause il
is called in latin mortu- eſt appel en latiñ mor
um vadium as maister tuum vadiũ, cõe M.
Littleton sayth, or ra- Littletõ dit, ou mor-
ther mortuum vas, as I tuũ vas, cõe ieo pẽſe.
thinke.

Mortmaine.

Mortmaine. MOrtmaine fuit qũt
Mortmaine was whẽ terres fuer' dones
lands were geuen to a vn meason de re-ly-
a house of religion, or to gion, ou a vn cõpanie
a cõpany which be cor- q̃ ſoũt corporate p̃ le
porat by ỹ kings graũt, graũte le roy, donqs
then the land is cõe into cẽ terre eſt deuen⁹ en
mortmain, that is to say mortmaiñ, cẽ adir' en
in English a dead hand, Anglois a dead hand,
and the kynge or the et le roy ou l'ſeignior
lord of whõ ỹ lãd is hol- de q̃ le terre eſt tenus
den may enter into thẽ. poet enter en eux.

Mulier.

Mulier. MVlier ẽ vn parol
Mulier, is a word vſed vſe en noſtr' ley,
in our lawe, but howe mes cõe aptment ieo
aptly I cannot tell nor ne poy dire ne ſcay
doe well knowe howe it bñ cõmẽt il doit venir
should come in ỹ sence en tiel ſenſe cõm no⁹
as wee there take it: la ceo prendromus:

Car accordãt al proper ſignification, mulier ẽ fœmina corrupta, ſicom̃ il eſt vſe per Vlpianus en vn certein lieu en tiel maner, Quod ſi ego me virginẽ emere putarẽ cũ eſſet mulier, emptio non valebit. Per c̃ poies voyer q̃ mulier eſt vn fẽe que ad ewe le company dun hõe, mes a relinquisher le droit ſignificatiõ: mulier eſt priſe en noſtre ley, pur vn que eſt loialment engender et nee: et e t toutes dits vſe en compariſon oueſque vn baſtarde, ſolement pur monſtre vn difference perenter eux c̃e pur example: vn hõe ad vn fits p vn fẽe deuãt mariage, cẽ iſſue eſt appel

For accordinge to the proper ſignificatiõ, mulier is a defiled woman like as it is vſed by vlpianus in a certen place after this ſort, if I thought that I had bought a virgin, when it was a defiled woman, the bargayne was not good. Whereby you may ſee ỹ mulier is a woman that hath had ỹ company of a man: But to leaue the right ſignification: Mulier is taken in our law for one that is lawfully begotten and borne: and is alwayes vſed in compariſon with a baſtarde, onely to ſhewe a difference betwene thẽ, as thus for example: A man hath a ſonne by a woman before marriage, that iſſue is called

a

a baſtard, and vnlawfull: And after they enter-marry, and haue an other ſonne, this ſecond ſonne is called mulier, that is to ſay lawfull, and ſhalbee heire to hys father: but that other cannot bee heire to any manne, becauſe it is not knowen nor certen in the iudgement of the lawe, who was hys father, and for that cauſe is ſayd to bee no mannes ſonne, or ſonne of the people, and ſo wythout father, according to this old verſe:

To whom the people father is, to him is father none and all.

To whom the people father is, wel fatherleſſe may him cal.

And alwaies you ſhal find this addition to the

vn baſtarde, et illoial: Et apres ils enterma-ry, et ount vn auter fytes, ceſt ſecond fits eſt appell mulier, ceſt adire, loyall, et ſerra heire al ſon pier, mes le auter ne poet eſte heire al aſcun home, pur ceo que il né conus, ne certeine en le iudgement del ley, q̄ fuit ſon pier, et pur ceſt cauſe eſt dit deſte nullius filius, ou filius populi, et iſſint ſãs pier accordaunt al cẽ viele verſe.

Cui pater eſt populus, pater eſt ſibi nullus et omnis.

Cui pater eſt populus, nõ habet ipſe patrem.

Et touts foits vous troues cẽ addic'al eux

(bastard eigne, et mulier puisne) quant ils sont compare ensēbl'.

(bastard eldeſt, & mulier yongeſt) when they bee compared together.

Murder.

MVrder est vn volūtarie occider dun home sur malice pretence, et semble de veñ d'le Saxon parol *Mordren* q̄ issint signifie. Et Mordridus est le murderer tanque al cest iour enter eux en Saxonie, de q̄ nous auons mult de nr' parols cōe a deē sepe dit.

Murder.

MVrder is a wilful killinge of a man vppon malice forethought, and seemeth to come of the Saxon word *Mordren* which so signifieth: And Mordridus, is the murderer euen vntil this day amonge them in Saxonie: from whence we haue most of our words as hath byn often said.

Negatiua preignans.

NEgatiua preignans est quant vn action, ou information, ou tiel semblable est port enuers vn, et le defendant pleade en barre del action, ou autrement vn negatiue plea, q' nest cy special

Negatiua preignans.

NEgatiua preignans, is when an action, or information, or such like, is brought against one, and the defendant pleadeth in barre of the action, or otherwyse, a negatiue plea, whych is not soe speyall an answere

answere to the actyon but that it includeth also an affirmatiue. As for example: if hée in reuersion enter vppon tenant for life supposinge that hée hath aliened in fee, (which is a forfaiture of hys estate) and the tenaunt for life saith that hée hath not aliened in fée, this is a negatyue wherein is included an affirmatiue: for although it bée true, that he haue not aliened in fée: yet it may bée that hée hath made an estate in tayle (whych is also a forfayture) and then the entry of hym in the reuersion is lawefull &c. Also in a Quare impedit the Quéene makes tytle to présent to a prebende for that the

answere al action mes que il enclude auxy vn affirmatiue. Com̃ pur example, si cesty en reuersion enter sur tenant pur vie suppo- sant que il ad alien en fee, (que ẽ vn forfai- ture de son estate) et le tenant pur vie dit que il nad alyen en fee, cest vn negatiue en que est include vn affirmatiue. Car nient obstant il soyt veray que il nad alyen en fee, vncore il poet este que il ad fayt vn estate en taile (le quel est auxi vn forfaitur') et donques lentrie de celuy en le reuersion est loyall &c. Item en vn Quare impedit le Roygne fist tytle de present a vn pre- bende ratione que les

Temporalties leuesq̃ fueront en ſa mains per le mort de W. nuper Epiſcopi &c. Le defendaunt dyt que ne voyda pas eſteantes les Temporalties en les maynes del Royne p̃ le mort de W. ceſt vn negatiue preignans, car il poet eſte en les mains del royne auterment que per l' mort d' W. et il ſuffiſt al roigne ſi ſoit en ſa maines p̃ aſcun meanes &c. Iſſint eſt ou vn informatiõ fuit portin ſcaccario vers I.S. pur ceo que il achate laynes enter ſhering temps et le Aſſumption tali anno de I. N. Le defendaunt dit quod non emit de I. N. come il eſt alledge &c. ceo

Temporaltyes of the Biſhoprick were in her hãds by the death of W. late Biſhop &c. The defendant ſaith that it was not voyd being the temporaltyes in the Queens handes by the death of W. this is a negatiue preignans, for it may bee in the Queenes hãds otherwyſe then by the death of W. and it ſuffiſeth the Queene if it bee in her handes by any meanes &c. Soe it is where an Inforamation was brought in the Checker againſt John Stile, for that he bought woll betweene ſhering time and the Aſſumptyon, ſuch a yeare of John N. The defendaunt ſayth that hee dyd not buy any of John N. as it is alledged &c. this

is

is called a negatiue preignans, for if he bought it of any other, yet hée is culpable for the buyinge.

est appell vn negatiue preignans, car sil ē achate d'aut', vnc'il est culpable pur le achate.

Niefe.

NIefe is a womā that is bonde, or a villen woman, but if shée marry a frée manne, shée is thereby made frée for euer (although ỹ her husbande die and she suruiue hym) because that shée and her husband are but one person in lawe, and shée ought to bée of the same nature and condytion in law to al intents that her husband is. But her husband is frée to all intentes without any condityon in lawe or otherwise, and so by consequens the wife ought to bée, and is frée

Niefe.

NIefe est vn feme q' est bonde ou vn villen feme, mes si el mary vn franke hōe, el est per c' fait fráke a touts iours (coīnt q' le baron deuie, et el suruiue) pur c' q̄ el et son baron sont forsq̄ vn person ē ley, et el couient este de mē le nature et condic' en ley a touts intents cōe son baron est. Mes sō baro est fráke a toutes intentes sauns ascun condition en ley, ou autermēt, et issint per consequens le femme couiēt este, et ē fráke accor-

accord' al natur' de sõ fráke barõ, et dõq; si el soit vn foits franke et clereñt disch. d' villenage a touts intẽts, el ne poit estre niefe aps sans especial act fait p luy, cõe diuors, ou conusãs en court de recorde, et ceo est en fauour de liberty, et pur ceo vn franke fẽe ne serra villen per prisel del villen al son barõ. Mes lour issue serr' villens cõe lour pere fuit que est contrary a lle ley ciuile, car la est dit partus sequit' vẽtrem. Bõdage ou villenage ad sõ cõmencemẽt ent' les Hebrews et sõ original, pceding d' Chanaan le fits d' Cham, q̃ pur c' q' il derisee son pere Noe gisant dissoluteñt q̃n il fuit e-

according to ỹ nature of her frẽe husband, & then if she were once frée and clerely discharged of bõdage to al entents, she cã not be niefe after, wout especial act done by her, as diuorce, or cõfessiõ in court of Record, and that is in fauour of liberty, & therefore a frée woman shal not be bounde by taking of a villẽ to her husband. But their issue shal bée villens as their father was, which is contrary to the Ciuile lawe, for there it is said, ỹ birth followeth the belly. Bõdage or villenage had beginninge amonge ỹ Hebrewes & his original proceding of Canaan ỹ sõne of Cham, who becanse that hé had mocked his father Noe to scorne lyinge dissoluetly whẽ he was drunke

drunke, was punished in his sonne Chanaan wᵗ penalty of bondage.

Nihil dicit.

NIhil dicit is when an action is brought against a man, & the defendant appᵉtes, the plaintife declares, & the defendant will not answere, or pleades to the action, & doth not maintaine hys plea, but makes defaut, nowe vpon this defaut, he shalbe condemned because he saith nothing.

Nomination.

NOmination is where one may in right of his maner or otherwise, nominate and appoint a worthy clarke or man to a personage, vicarage or such like spiritual promotion.

Nonabilitie.

NOnabylitye is where

briee, fuit puni en son fits Chanaan oueſque penalty de bondage.

Nihil dicit.

NIhil dicit, eſt quant vn acc' eſt port enuers vn hõe, et le def. appere, le pl' declare, et le def. ne voile reſpond', ou plede al le acc', et ne maintayne sõ ple, mes fait defaut ore ſur ceſt defaut, il ſerra condẽpne, quia nihil dicit.

Nomination.

NOmination, eſt ou vn poit en dr' de sõ manor ou autrement nominate, et appoint vn abl' clarke, ou hõe al vn perſonage, vicarage, ou tiel ſpirituall promotion.

Nonabilitie.

NOnabilitie eſt lou

vn

vn actiō est port vers vn, & le defendaunt dit que le plaintife est nonable de suer ascū action, et demaunde iudgment sil serrarespōde. Il y ad vj. causes de nonabilitye en le pl', come sil soyt vtlage, ou vn alien nee, mes ceſt disabilitie est en actions reales & mixt solement, et non en actions parsonals, sinon que il soit vn alien enemy, ou condempne en p̄munire, ou professe en religion, ceſt a scauoyer le Romish religion, ou excōmenge, vn villen et sue son sr̄, mes cē darraine nest ple pur auter que nest sr̄ al villen.

an action is brought against one, and the defendaunt saieth, that the playntife is not able to sue any action, and demaundeth iudgement if hē shalbee aunswered. There are vj. causes of nonability in the plaintife, as if he bē an outlawe, or an alien borne, but that disabilitye is in actiōs reales and mixt onely, and not in actyons personalles, except hē be an alien enemye, or condempned in premunire, or professed in religion, that is to saye, the Romish religion, or accursed, or a villen and sueth hys Lorde, but this last is noe ple for an other ꝑis not lord to the villen.

Nude Contract.

NVde Contract, ou nuds

Bare, or naked Contract.

BAre Contract, or naked

naked promise, is where a manne bargaineth, or selleth his lãds or goods, or promiseth to geue to one money or a horse, or to builde a house, or doe such a thinge at such a daye, and there is no recompence appoynted to him for the doinge therof: As if one saye to an other, I sel or geue to you al my landes or goodes, and there is nothing appoynted assigned or agreed vppon what the other shal giue or pay for it, so ỹ there is not one thinge for an other, this is a naked contract, and boyde in lawe, & for not performaunce thereof noe action lyeth, for of a naked cõtract commeth noe action.

nude promise, est lou vn home bargaine, ou vend ses terres, ou biens, ou promise pur doñ al auter money, ou vn chiual, ou a edefier vn meason, ou faire tiel chose a tyel iour, et nul recõpẽce appoint a luy pur le faire de c'. Cõe si vn dit al aut', Ieo vende ou done al vo⁹ touts mes terres ou bñs Et laẽ nul chose appoint assigne ou agree que le aut' doña, ou paiera pur c', issint q̃ il nad quid pro quo, cest vn nude cõtract, et void en ley, et pur nõ pformance de ceo nul action gist, car ex nudo pacto non oritur actio.

ORedelfe, eſt lou vn claime de aũ le ore que eſt troue en ſon ſoile ou terre.

Outfangthiefe.

OVtfãgthieſe, hoc ẽ qd' latrones de t'ra veſtra vel feodo veſtro extra terrã veſtrã vel feodũ veſtrũ captĩ latrocinio ad curiam veſtram reuertãtur, et ibidem iudic'.

Owelte.

OWelte, eſt qñt il y ad ſñr meſne et tenant, et le t' tient del meſñ per ms les ſeruices que le meſne tient ouſter de le ſñr paramount. Cõe ſi le t' tient del meſne p Homage, fealtie, et xx. s. de rent annuelmt, et le meſñ tiẽt ouſter d' le ſeygñ paramount

ORedelfe is where one claimes to haue ỹ one that is founde in his ſoile or ground.

Outfangthiefe.

OUtfangthiefe, that is ỹ theues or felõs of your lãd or fee out of your lãd or fee taken, wt felony or a ſtealing, ſhalbe brought backe to your court, and there iuged.

Owelte.

OWelte is when there is Lorde meſne & tenant, and ỹ tenaunt holdeth of the meſne by the ſame ſeruices, that the meane holdeth ouer of ỹ lorde aboue him. As if ỹ tenãt hold of ỹ meſne by homage, fealty, & xx. s. of rẽt yerely, & ỹ meſne holdeth ouer of ỹ lord aboue

by

by homage fealty, & xx.s. rent also, this is called owelty of seruices.

per hom̃ fealty et xx.s rent auxi, ceſt appell Oweltie de ſeruices.

Hearing of Recordes and deedes &c.

HEaringe of Recordes & deedes is if for example an actiõ of det be brought against a man vppon an obligation, and the defendant appeares to the actiõ, and then praieth ỹ he may heare the obligatiõ where with the plaintife chargeth him.

Soe it is when as executors bringe an action of det, and the defendant demaundeth to heare the testament, vpon this demaund it shalbe read vnto the defendaunt, But if it be in an other terme or after ỹ the defendant hath imparled, then hee shal not heare it. And soe

Oyer de recordes et faites &c.

OYer de Records et faits, ceſt ſi pur example vn acc' de det ſoit port enũs vn hõe ſur vn obligac', et le defend't appt al acc', et dõqs pria q̃ il poet oier lobligac' ouesque q' le pl' charge luy.

Iſſint eſt q̃it executours port' vn actyon de dette, et le defendaunt demaunde oyer del teſtament: ſur ceſt demaunde il ſera lectu al defendant, Mes ſil ſoit en vn auter terme, ou apres q̃ le defendaunt ad imparle, donqs il naura le oyer. Et iſſint

come

come eſt dit de faites eſt deſte intend de recordes que ſount alledge enuers luy.

as is ſayed of dēdes, is to be vnderſtode of recordes that are alleged againſt him.

Pape.

PApe, eſt vn aunc' noſme fauxment arrogate, ou hautmēt vſurpe per le Eueſq̄ de le ſole Cytye de Rome en Italy, et eſt cōmunemēt appel en Angloys le Pope, vn noſme verayment mult frequent en nr'e auncien annales liūs, ſpecialmēt en les temps de ceux roys, q̄ux graūdmēt abandonans lour emperial auctho-ritie, et abaſans eux meſmes mult debaſe lour eſtate, ne fuer' hont de vn alien et outlādish Eueſq̄ q̄ ēhabit ouſt' cinq̄ diz cent miles d' eux, deē ſouer' d'haut

Pape.

PApe is an auncyent name falſely arrogated, or proudly vſurped by ỹ Biſhop of the only Citye of Rome in Italie, and is commonlye engliſhed the Pope, a name truely much frequented in our auncyent yere bookes, ſpecially in the times of thoſe kings, who to much abādoning their emperiall auctho-ritie, and abaſinge themſelues far beneath their eſtate, were not a ſhamed to ſuffer an alyen & outlandiſh Biſhop, that dwelt aboue fiftēne hūdred miles from them, to bee ſoueraigne ouer them

them in their owne dominions and to take frō them not onely the disposition of certen small trifles of none accompt, but also the nomination of Archbishoppes, Bishops, Abbots, Deanes, prouosts appropriations of benefices prelētac' to personages, vicarages, & generally of al spirituall persons to their preferments sometymes by lapse, and sometimes otherwise whereby the kings princely preroga-tive was very much abridged wīn their owne realmes.

eux en lour dominios demesne, et de toller de eux non solemt le disposic de cert petit trifles d'nul accompt, mes auxi l'nominatio d'Archeuesqs, Euesqs Abbeis, deanes, prouosts, appropriations de bñfices prelētatiōs al personages, vicarages, et generalmēt de touts spirituel psons a lour preferments, alcū temps p laps, alcun tēps autrement p la prerogatiue del Roye fuit moult abrydge deynes lour realmes demesne.

Partition.

PArtityon is a deuydinge of lāds discēded by the cōmon lawe, or by customs amōg coheires or parceners wher there

Partition.

PArtition est vn diuision d'terres discendus per le common ley, ou per custōe perent' coheires, ou parceners, ou ils

soūnt deux al meynes soiēt ils fites, fil's, soers auntes, ou autrement de kyn al auncestour de que le terre discēd al eux.

Et cest partician est fayt quatuour voyes pur le plus part, de q troys sont al pleasure et per agreemēt pernt eux, le quart est p compulsion.

Vn partician per agreēment est quant ils ils deuide le terre equalment en tauntes parts, coe la sot d eux co pcēns, et chescun de eslier vn share ou part, le signee primerment, et issint lun apres lauter, coe ils sont de age, sinon que le eignee pconsent fayt le partic, donq le election appertyent

be it at ỹ least where they be sonnes, daughters, sisters, aūtes, or other kyn al to the auncestour from whom the lād discended to the.

And this partician is made iiij. wayes for the most part, whereof three are at pleasure and by agreement among them, the fourth is by compulsion.

One partician by agreement is when they themselues deuide the lande equally into so many parties, as there be of them copartners, & each to chose one share or part, the eldest first, & so ỹ one after other, as they be of age, except ỹ the eldest by consent make the partician, then the chose belongeth to

nent, and soe to the eldest last according as it is said. Whoe so maketh the partition, the other must haue the chopse.

An other partition by agreement is whē they chose certen of their frends to make diuision for them.

The third partition by agreement is by drawing of lots thus: first to deuide the land into so many parts as there bee parceners, then to writ euery part seuerally in a little scrolle, or peece of paper or parchment, and to put the same scrolles by close into a hat, cap, or other such like thing, and then each parcener one after an other as they bee of age to draw out thereof one peece or

prochein, et issint al le eignee darreignemēt accord cōe il est dyt. Cui⁹ est particio, Alterius est electio.

Vn aut' partitiō p agreemēt ē q̄nt ils ēlieu cert' de lour amies de faire diuisiō pur eux.

Le tierce partition p agreemēt est p trahens de lots issint: primermēt de deuider le tre en tant des partes cōe la soūt parceūs, dōq̄s a scriuer chescun part seueralmēt en vn petit scrolle ou peece de paper ou parchment, et de mitt ceux scrols close en vn hat, cappe ou auter tiel semblable chose, et dōques chescun parcener vn apres lauter come ils sount de age a traher hors de ceo vn piece, ou

ſcrolle en que eſt eſ-
cript vn partt d'l terr'
que per ceſt trahens
ẽ a or' ſeueralm̃t allot
al eux en fee ſimple.

Le quater partitiõ,
q' eſt per cõpulſiõ, eſt
lou vn, ou aſc' de les
coparceñs voylent aũ
partic̃ et aut's ne voi-
lent agree al ceo, dõ-
q̃s ceux q̃ iſſint voylẽt
auer partic̃ poiẽt por-
ter vn br' de Partiti-
one facienda enuers
les auters queux ne
voylent faire partiti-
on, per vertue de que
ils ſerra compelle de
depart &c. Nous en
Kent (Freere Nicho-
las) ou les terres ſoũt
de Gauelkinde na-
ture, appellomus a cẽ
iour noſtre partici-
on, Shyfting, il meſ-
me parol que les Sax-

ſcrolle wherein is writ-
ten a part of the land
whych by thys drawe-
inge is nowe ſeuerally
allotted vnto them in fee
ſimple.

The fowerth partition
which is by compulſion
is when one or ſome of
the coparceners would
haue partition and other
ſome wil not agree ther-
to: Thẽ they ẏ ſo would
haue partitiõ may bring
a writ de partitione faci-
enda againſt ẏ others
that would not make
partition, by vertue
whereof they ſhalbe
compelled to depart &c.
Wee in Kent (Brother
Nicholas) where the
landes are of Gauel-
kynd nature, cal at this
day our partition Shif-
tinge euen ẏ very ſame
word that the Sax-

ons

ons vſed namely (*Scyſtan*,) which ſignifieth to make partitiõ betweene coheires, and to aſſigne to each of them their portion, in latyn it is called Herciſcere.

ens vſe noſmẽt Scyſtan, que ſignifie pur faire partition perenter coheires, et pur aſſigner a cheſc' de eux lour portion. En latyn il eſt appell *Herciſcere.*

Parties.

PArties to a fine, or dœde, are thoſe that leuie the ſame fine, and alſo they to whom the fine is leuied: And they that make a dœde of feoffement, and they to whõ it is made are called parties to the dœde, and ſo in any other like caſes.

Parties.

PArties al fyne, ou fayt, ſount ceux queux leuie le fyne, et auxi ils a que le fiñ eſt leuie. Et ils que ſount vn fait de feoffement, et ils a que il eſt fait, ſount appels pties al fait, et iſſint en auters ſẽblables caſes.

Patron.

PAtron is hée that hath a parſonage, vicarage, frée chappel, or ſuch like ſpiritual promotion bélongynge to his maner, and may or ought to gyue the ſame benefice

Patron.

PAtron ẽ celui q̃ ad vn pſonage, vicarage, frãk chappel, ou tielſẽblabl' ſpiritual, moc' appurteñt al ſõ mañ, et poet, ou doet doner ceo benefyce

quãt et cy toft que il deuient voide. Et cẽ eſteant patron, ou patronage ad cõmẽc'mẽt pur le pluis part p vn de ceux troys voyes, noſmẽt ou Ratione fũdationis, pur ẽ que le patron ou ſes auncef. tours, ou ceux de q'il claime fueront foundours, ou edefiers de le eſgliſe, ou Ratione dotationis, pur ẽ que ils endowe ou dõe terres al ceo pur maintenance, ou auterment Ratione fundi, pur ẽ q' le eſgliſe fuit miſe, ou edifie ſur lour ſoil' ou terre, et diũs temps per reaſon de ils trois,

Perquiſites.

PErquiſites ſoũt aduauntages et profittes queux vyent al vn manner per caſu-

when and as often as it falleth voyd. And thys beynge patron, or patronage had beginninge for the moſt part by one of theſe thꝛee wayes, namely either by reaſon of the foundation, for that the patron or hys auncestours, or thoſe frõ whom he claimes were founders or builders of the Church, or by reaſon of Dotation, for ẏ they did endowe or giue lãds to the ſame for maynteinance thereof, or els by reaſon of the ground becauſe the Church was ſet or builded vpon their ſoyle or ground: & many times by reaſon of them al thꝛee.

Perquiſites.

PErquiſites are aduãtages and pꝛofits that cõe to a manner by caſualty,

altie. And not yearely: as Escheates, Heriots, Reliefes, waifes, straies forfaytures, amercementes in Courtes, wardes, mariages goos and landes purchased by villaines of ỹ same manor, and diuers such like thinges that are not certen but happē by chāce, sometimes moze often then at other times.

alty, et non annuelment, cõe escheates, hariots, reliefs, waiues estraies, forfaitures, amerciamts en courts, gards, mariages, hñs et terres purchase p villeines de m̃ le maner, et diūs sẽblables choses q̃ux ne soūt certenes happen p chāce, alcun temps pluis often q̃ a auter temps.

Plaintife.

PLayntife is hée that sueth oz complaineth in an ass. oz in an action personal, as in an action of det, tresp̃as, disceit, detinue, and such other.

Plaintife.

PLaintife est celuy q̃ sue ou cõplaynt en vn assise, ou en vn action psonel, cõe en vn action de det, trñs, disceit, detinue, et tyels semblables.

Pledinge.

PLeding is ỹ which cõmeth after ỹ coūt, namely ỹ which is contayned

Pleading.

PLeadinge est ceo que vyent apres le count, noment ceo que est contayne

en le barre, replicati-
on, et reioinder, et nõ
ceo contayne en le
count meſme, et pur
ceo defauts en l' mat-
ter del count, ne ſoũt
compriſe deyns myſ-
pleading, ou inſuffi-
ciẽt pleading, ne ſoũt
remedy per le ſtatute
d' leofailes, Mes ſole-
mẽt ceo miſpleading
ou inſufficient plea-
ding, commit en le
barre, replication, et
reioynder, ſount la
prouide.

in the barre, replication,
and reioynder, and not
that contayned in the
count it ſelfe, and there-
fore defauts in the mat-
ter of the Count are not
compriſed within miſ-
pleading, or inſufficient
pleading, nor are reme-
died by ẏ ſtatute of Jeo-
failes: But onely that
miſpleading, or inſuffi-
cient pleading, commit-
ted in the barre, replica-
tion, and reioynder, are
there prouided for.

Pounde.

Pounde.

POundes ſount en
deux fortes, lun
poundes ouert, les
auters pounds cloſe.

POundes are in two
ſortes, the one pounds
open, the other poundes
cloſe.

Pounde ouert, eſt
cheſcun lieu en q̃ vn
diſtreſſe eſt myſe, ſoit
ceo cõmõ poũd tiels

Pounde open, is eue-
ry place wherein a diſ-
treſſe is put, whether
it bee cõmon pound ſuch

as

as are in euery Towne or lordship, or whether it be backside, Court, yard, pasture, or els whatsoeuer, where the owner of the distresse may come to geue them meat and drinke without offence for their beinge there, or his comming thither.

que sõt en chesc' ville ou Seigniorie, ou soit ceo backeside, court, yarde, pasture, ou autrement quecunq; lou le owñ del distresse poit vener a doner eux viande sans offence pur lour esteant la, ou son veñ la.

Pounde Close is such a place, where the owner of the distresse may not come to giue them meat and drinke, without offence, as in a close house, or whatsoeuer els place.

Pounde close, est tiel lieu, lou le owner del distresse ne poyt vener a doñ eux vyande sans offence, cõe en vn close, measõ, ou quecunq; auter lieu.

Possession.

Possession.

POssession is saied two wayes, eyther actuall possession, or possession in lawe.

POsseſſion est dit ii. voies, ou actuall possession, ou poss. en ley.

Actual possessiõ, is whẽ a manne entreth in deed into lands or tenements

Actual poss. est q̃nt vn hõe enter en fayt en terres, ou tenemẽts

a luy

a luy discend, ou au-
termẽt. Possession en
ley est quant terres,
ou tenementes sount
discend al vn hõe, &
il nad vne realment
actualment, et en fait
ent'en eux. Et il est ap
pel possession en ley,
pur ceo q' en le oile,
et consideration del
ley, il est pense dẽe
en possession, entant q̃
il est tenant a chescun
action que voet suer
concernaunt mesmes
les terres, ou tenemẽts.

to him discẽded, or other-
wise. Possession in lawe
is whẽ lãds, or tenemẽts
are discended to a man,
and hee hath not as yet
really, actually, and in
deede entred into them
And it is called pos-
session in lawe, because
that in the eye, and con-
sideration of the lawe,
hee is deemed to be in pos-
session, for almuch as hee
is tenant to euery mans
action that will sue con-
cerning ỹ same lands, or
tenemẽtes.

Preamble.

PReamble ad sõ nos-
me de le prepositiõ
(pre) deuãt, et l'verbe
(Ambulo) pur va, is-
sint ioint ensemble, ils
font vn compounde
verbe de le prymer
coniugation (Pream

Preamble.

PReamble taketh hys
name of the prepositi-
tion (Pre) before, and
the verbe (Ambulo) to
goe, soe ioyned toge-
ther, they make a com-
pound verbe of the first
coniugation (Preambu-

lo)

lo) to go before, and here of the first part or beginning of an act, is called ỳ preamble of the act, which preamble is a key to open the minds of the makers of the act, and ỳ mischiefes that they intende to remedy by the same, as for example the statute made at Westminster the first, the 37. chapter which giueth an attaint, the preamble of which is thus. For as much as certein people of ỳ realme, dout very little to giue false verdictes or othes, which they ought not to do, wherby many people are disherited and lose their right, it is prouided &c.

bulo) pur vadeuát, et de c' l'i. part ou cõmẽcemẽt dũ act est appel le p̃amble del act, le q̃l p̃able, ẽ vn cliffe de oũt les mẽts del fesors del act, et les mischifes q' ils intend de remedy p c̃, cõc pur exampl' lestat' fait al W. le prim̃ le 37. c. q' don attaint, le preamble d' q' est issint. Pur c' q̃ ascuns gents de la terre doutent meines faux ser eṁt faire, q̃ faire ne duissent, per q' multes des gents sont disherites & perdent lour droit, puruieu est &c.

Prescription.

PRescriptiõ est quát vn adewe ou vse aſc̃ chose depuis le temps dount nul memorye

Prescription.

PRescription is when one hath had or vsed any thinge sith the time whereof no minde is to

al

al contra.

Presentment.

PResentment, est quant vn home q' ad droit a doñ vn benefice spiritual nosme le person a q̃ il voit le doner, et fait vn letter al eueſque pur luy, ceo est vn presentation ou presentment.

Pretensed droit ou Title.

PRetensed droit ou title, est lou vn est en possess. d' terres, ou teñtes, et vn auter que est hors de possession, claime ceo, ou sue pur ceo, ore le pretensed droit, ou title, est dit en luy que issint sue ou claime. Et sil puys vient a le possession de m̃ le t'res, ou tene-

to the contrary.

Presentment.

PResentment is when a manne which hath ryght to geeue a benefice spiritual nameth the personne to whome hée will geue it, and maketh a writing to the Bishop for him, that is a presentation or presentmẽt.

Pretensed right or Title.

PRetensed right or title is where one is in possession of landes, or tenements, and an other who is out of possession, claimeth it, or surth for it. Nowe the pretensed right or title is said in him, who soe doth sue or clayme. And if he afterward come to ẏ possessiõ of the same lãds, or tenements,

ments, his right or title is extinct, or suspended in the lande.

ments, sõ droit, ou title est extinct, ou suspend en le terre.

Priuie or priuite and Priuies.

PRiuie, or priuite is where a lease is made to hold at wil, for yeres, for life, or a feoffement in fee, and in diuers other cases, nowe becaus of this that hath passed betweene these partyes, they are called priuies, in respect of straungers betweene whom noe such dealinges, or conueyances hath ben.

Also if there be Lorde and tenaunt, and the tenaunt holdeth of ỹ lorde by certein seruice, there is a priuitie betwene thẽ because of the tenure. and if the tenaunt be disseysed by a straunger, there

Priuie ou Priuite, & Priuities.

PRiuie, ou priuite, é lou vn lease ẽ fait a tener a volunt, pur ans, pur vie, ou vn fefemẽt en fee, et en diuers auters cases, ore pur c'de ceo q̃ ad passe perent' ceux partyes ils sont appell priuies, en respect de estraungers perent' q̃ux nul tiel conueiaunces ad estre.

Auxi si soit sñr et tenaunt, et le tenant tient del sñr per certen seruice, il y ad vn priuitie perent' eux per cause d'tenure, et si le tenaunt soyt disseyse per vn estraunger, il

ad

ad nul priuitie perent le diſſeiſour et le ſir; mes le priuitie vne demurt perenter le ſir et le tenaunt que eſt diſſeiſie, et le ſeignior auowera ſur luy pur ceo q' il eſt ſon tenant en droit, et en le iugement del ley. Priuies ſont en diuſ ſorts cõe, noſmẽt, priues en eſtate, priuies en fait, priuies en ley, priuies en droit, et priuies en ſange.

Priuies en eſtate, eſt lou vn leas eſt fait del manner de Dale all A. pur vie, le remr al B. en fee, la & A. & B. ſount priules en eſtate, car lour eſtates fueront ambideux a vn temps. Et iſſint eſt at

is no priuitie betweene the diſſeiſour and ỹ lord, but the priuitie ſtyll remaineth betweene the Lord and the tenant that is diſſeyſed, and the Lord ſhall auowe vpon him, for that he is his tenant inright and in the iudgement of the lawe. Priuities are in diuers ſortes, as namely priuies in eſtate, priuies in deede, priuies in lawe, priuies in right, and priuies in blode.

Priuies in eſtate is where a leaſe is made of the manner of dale to A. for life, the remaynder in fee, in B. there both A. and B. are priuies in eſtate, for their eſtates were both made at one time. And ſoe is it

ſt in the firſt caſe heare where a leaſe is made at will, for life or yeres or a feoffement in fee, leſſees, or feoffees, are called priuies in eſtate, & ſo are their heires &c.

Priuyes in dede is where a leaſe is made for lyfe, and afterwarde by an other dede the reuerſion is graunted to a ſtraunger in fee, thys graunte of the reuerſion is called priuie in dede, becauſe that he hathe the reuerſyon by the dede.

Priuie in lawe is where there is Lorde and tenaunt, the tenaunt leſeth the tenaunctye for lyfe and dyeth without heire, and the reuerſion eſcheates to the lord, he is ſaid priuie in lawe, becauſe that he hath

en le primer cas ou vn leas eſt fait al volunt, pur vie ou ans, ou vn feoffement en fee, les leſſees, ou feoffees, ſont appel priuies en eſtat, et iſſint ſont lour hr̃es &c.

Priuies en fayt, eſt lou vn leas é fait pur vie, et ayſs per vn autres fayt, le reuerſion eſt graunt al vn eſtrãger en fee, ceſt graunteé del reuerſion eſt appell priuie en fayt, pur ceo que il ad l'reuerſion per fait.

Priuie en ley, eſt ou ſeignyour et tenaunt, le tenaunt leſſe pur vie, et moruſt ſauns heire, et le reuerſyon eſcheatt al ſeigniour, il eſt dit priuie en ley, pur ceo que il ad

ſon

ſon eſtate ſolement p le ley ceſt adir' per eſcheate.

his eſtate onely by the lawe, that is to saye by eſcheat.

Priuie en droit, eſt lou vn poſſeſſe dun terme pur ans graunt ſon eſtate al vn auter ſur condic', et fayt ſes executors et moruſt, ore ceux execut' ſont priuies en droit, car ſi le condicion ſoyt enfreint, et ils enter en le terre, ils auera ceo en le droit de lour teſtatour, et a ſon vſe. Priuie de ſanke, en le heire del feoffour, ou donour &c.

Priuie in ryght, is where one poſſeſſed of a terme for yeres graunts his eſtate to an other vpon condition, & maketh his executours and dieth, nowe theſe executors are priuies in right, for if the condityon bee broken, and they enter into the lande, they ſhall haue it in the right of their teſtatour, and to his vſe priuie of blood is the heire of ỹ feoffour or donor &c.

Item ſi vn fine ſoit leuie, les heires de celuy q̄ leuy le fine ſoũt appell priuies.

Alſoe if a fine be leuied, the heires of him ỹ leuied the fine are called priuies.

Priuiledges.

Priuiledges.

PRiuiledges ſoũt liberties & franchiſes,

PRiuiledges are lyberties, and franchiſes,

graun-

graunted to an offyce, place, Towne, or manner by the Quænes great Charter, letters patentes, or act of parliament. As Tolle, sake, Socke, Infangthæfe, vtfangethæfe, turne tolle, oredelfe, and diuers such like, for which looke in their proper titles and places.

graunt al vn office, lieu, ville, ou maner p le graund charter del roign̄, letters patents, ou act de parliament cõe tolle, sake, socke, Infangthiefe, vtfangthiefe, turn̄ tolle, oredelfe, et diuers tyels semblables pur q̄ux voies en lour ꝓper titles et lieus.

Next frende.

NErt frend and warden in Socage is all one, and is where a mã seysed of landes holden in Socage dieth, hys issue within age of 14. yeares, then the nert frend, or nert of kinne to whom the lands cannot come or discende, shall haue the kepyngo of the heire, and of the land, to the only vse of the heire,

Procheine Amy.

PRocheyn Amy et gardein en socage est tout vn, et est lou vn hõe seisie de terres tenus en socage moruist son issue deyns age de 14. ans, donques le procheine amy, ou procheine de sanke a que les terres ne poyent vener ou discend, auera le gard del hr̃e, et d'l terre, al vse solemẽt del heire,

tanque il vient al age de xiiij. ans, et donq; a tiel ans, il poet ent' et luy ouſte, et port luy d' accompter, mes en ceſt accompt, il auera allowaunce pur touts reaſonable coſts et expenſes beſtowe ou ſur le heire, ou ſõ terre.

vntil he come to the age of 14. yeares, and then at that yeares hee may enter and put him out, and bringe hym to accompt: but in that accompt hee ſhalbee allowed for all reaſonable coſtes and expences beeſtowed either vppon the heire, or his land.

Et le prochein amy, ou prochein de ſanke a que le inheritaunce ne poet diſcender eſt iſſint deſte intende, ſi les terres diſcendo al heire de ſon pier, ou aſcun del ſanke del pt ſon pier, donques le meere, ou aut' d'l part le meere, ſount appel le procheine de ſanke a que lenheritance ne poet diſcẽder, car douuaunt que il iſſint diſcendera, il pluis toſt

And the next frind or next of kynne to whom the inheritaunce cannot diſcend is thus to be vnderſtode: if the landes diſcend to the heire from his father, or any of the kyn of his fathers ſide: thẽ the mother, or other of the mothers ſide, are called the next of kynne to whom the inheritãce cannot dyſcende, for before that it ſhal ſo dyſcende, it ſhall rather eſcheat

eſcheat to the Lorde of whom it is holden: and ſo it is to be underſtode where the landes come to the heire from hys mother or any of ỹ kyn of his mothers ſide: Thẽ the father or other of the fathers ſide, are called the next of kin to whom the inheritaunce cannot diſcende: but ſhal rather eſcheat to the Lorde of whom it is holden.

eſcheter' al ſñr de que il eſt tenus: Et iſſint eſt deſte intende ou les terres viẽt al heire de ſa mere, ou aſc' auter de ſanke de part ſa mier: donques le pier ou auter del part ſon pier ſount appel le ꝓchein de ſanke a que le inheritance ne poet diſcende, mes plus toſt eſchetera al ſeigniour de que il eſt tenus.

Proteſtation.

PRoteſtation is a ſauuge to the partie (that ſo pleadeth by proteſtation) to bee concluded by any matter alledged or obiected againſt him, vpõ which he cãnot ioin iſſu: And is no other thing but an excluſion of

Proteſtation.

PRoteſtatiõ eſt vn ſaluation al party (que iſſint pleade per proteſtatyon) deſte conclude per aſcun matter alledg' ou obiect encoũter luy, ſur que il ne poet ioyner iſſue: Et neſt auter choſe que excluſyon

del concluſion, car il que priſt le proteſtation exclud' laut' partie de concluder luy. Et ceſt proteſtation doit eſtoier oue le ſequele del plea, et nemy deſte repugnant, ou autermẽt cõtrary.

the concluſion, for he that taketh the proteſtation excludes the other party to conclude hym. And thys proteſtatyon ought to ſtand with the ſequele of the plea, and not to bee repugnant, or otherwiſe contrary.

Purchaſe.

PVrchaſe eſt l' poſſeſſion q̃ vn home ad en terres, ou teñts per ſon act demeſne, means, ou agreemẽt, et nemy per tytle de diſcent, de aſcũ de ſes aunceſtours.

Purchaſe.

PUrchaſe is the poſſeſſ. that a manne hath in landes or tenements by his owne act, meanes or agrèement, and not by title of diſcent, from any of his aunceſtours.

Quarentine.

QVarentine eſt lou home deuy ſeiſi dũ maner place et auter terres, doũt ſa femme doit eſte endowe, dõques la femme tyen-

Quarentine.

QUarentine is where a man dieth ſeyſed of a maner place and other lands whereof his wyfe ought to bee endowed, then the woman ſhall hold

hold the manner place
xl. dayes, within which
time her dower shalbe
assigned.
But if she marie within
the 40. daies, she shall
lose her quarentine.

dra le maner place p
quarant iours, deyns
quel temps son do-
wer serra a luy assign̄,
mes si el marie infra
les xl. iours, el perdra
son quarentine.

Fiftéene.

FIftéene is a payment graunted in parliamēt to the Quéene, by the Temporaltie, namely the 15. part of their goods: And was vsed in auncient tyme, to bée leuied vppon their Catayle goynge in their groundes, which thynge was very troublesome, and therefore nowe for the most part, that way is altered, and they vse to leuy the same by the yarde, or Acre, or other measure of lande: By meanes whereof it

Quinzime.

QVinzime é vn paiment graūt ē parliament al roigne, per les layes, ceſtaſſauoir le quinzime part de lour biēs: Et fuit vſe en aūcient tēps deſte leuie ſur lour auers eſteants en lour terres que fuit mult troublous, et pur ceo a ore pur le plus part, ceſt voye eſt alter et ils vſe de leuy ceo per les verges, ou acre, ou aut' meaſure d't'r'. Per reaſon de que il

est a ore meins trouble-lous, et plus certeine, que deuaũt il fuit. Et chescun ville, et pays scient, quel somme est deste pay perent' eux, et coment ceo serra rayse. Nous legimus que Moyses fuit l'primer que number le people, car il number les Israelites, et pur ceo le primer Taxe, Subsidie, tribute, ou Quinzime fuit inuẽt per luy enter les Hebrewes, come Polidore Virgil suppose.

is nowe lesse troublesome, and more certen, then before it was. And euery Towne, and coũtrey doe knowe, what summe is to be payed amonge them, and howe the same shalbe raysed. Wee read that Moyses was the first that did number the people, for he nũbred the Israelits, and therefore the first tare, subsidy, tribute, or fiftene was inuented by him amonge the Hebrues, as Polidore Virgil doth thinke.

Regrator.

REgratour est celuy que ad blees, vittailes, ou auters choses sufficyent pur son necessarie oeps, occupac', ou expẽc', & niẽt

Regrator.

REgrator is hee that hath corne, vittailes or other thinges sufficient for his owne necessary nede, occupation, or spendinge, and doth neuer-

neuertheleſſe engroſſe, and buy vppe, into hys handes moze Cozne, vittailes, oz other ſuch thinges to the entent to ſell the ſame againe at a higher and deerer pzice, in faires, marketes, oz ſuch like places.

obſtant engroſſe et achate en ſes maynes plus blees, vittailes, ou auters tyels choſes, al entent de vender ceo arrere al vn plus haute et chare price, en faires, markets, ou tiels ſemblables lieus.

Reioynder.

REioynder, is when the defendant maketh aunſwere to the Replication of the plaintyfe.

And euery Reioynder ought to haue theſe ii. pzoperties ſpecially, that is to ſay, it ought to bee a ſufficient aunſwere to the Replication & alſo to followe and enforce the matter of the barre.

Reioynder.

REioynder eſt quãt le defendaunt fayt reſpons al replication del plaintife.

Et cheſcun reioinder doyt auer ceux deux properties ſpecialment cẽ a ſcauoir il doyt eſte vn ſufficient reſpons al Replication, et auxi de ſubſequer et enforce le matter del barre.

Reliefe.

Relieſe.

RElieſe eſt aſcun foytes vn certeyne ſõme de money que le heire paiera al ſeignior de q' ceux terres ſont ten⁹, q̃ux apres l' diſceaſe de ſon aunc' ſont a luy diſcend cõe pchein heire, aſc̃ foits il eſt le payment dun auter choſe, et nemy money. Et pur ceo reliefe neſt certeyn et ſemble pur toutes tenures, mes cheſcun ſundry tenure ad (pur le pluis part) ſon ſpecial reliefe certeyn en luy meſme: Neq̃ eſt cẽo deſte pay toutes foytes al vn certeyne age, mes il vary en c̃ auxy accordaunt al tenure. Come ſi le tenaunt ad terres tenus per ſeruice d' chiualer

RElieſe is ſometimes a certen ſome of money that the heire ſhall pay to the Lord of whõ thoſe landes are holden, which after the diſceaſe of his auncеſtour are to him dyſcended as nert heire: ſometymes it is the payment of an other thinge, and not money: And therefore reliefe is not certen, and alike for all tenures, but euery ſundry tenure hath (for the moſt part) hys ſpeciall reliefe certayne in it ſelfe: Neyther is it to bee payed alwayes at a certen age, but varyeth therein alſo according to the tenure. As if the tenaunt had landes holden by knyghtes ſeruice (except

(except great Sergeantie) and die his heire being of full age, and holde his lands by the ſeruice of a whole knightes fée, the Lord of whome that lands are ſoe holden ſhall haue of the heire 100.s. in the name of relyefe, And if he holde by leſſe then a knightes fée, hée ſhal paye leſſe, and if more then more, hauinge reſpect alwaies to the rate for euery knightes fée an hundred ſhillinges. And if hée holde by graunde ſerieantie (which is alwayes of the Quéene, and is alſo knightes ſeruice) then the relyefe ſhalbée the value of the lande by the yeare, beſides al charges iſſuinge out of the ſame.

Reliefe that the lorde ſhal haue for lands holdē

(forepriſe graūd ſergeanty) et moruſt ſon hr' eſteāt de plein age, et tiēt ſes terres per le ſeruice dun entier fee de chiualer, le ſñr de que ceux terres ſōt iſſint tenus, aūa del hr' 100.s. nomine releuij Et ſi il tiēt p meines q̄ vn fee d' chiual', il paiera meines, et ſi plus, donq̄ plus, aient reſpect touts foites al le rate pur cheſcun fee de chiualer vn cent ſouze. Et ſil tient per graund ſerieanty (q' é touts foits del roigñ et eſt auxy ſeruice de chiualer) donq̄ le reliefe ſerra le value del t're p an, pret' toutes charges iſſuaunt hors de ceo.

Reliefe q̄ le ſñr auera pur terres tenus

en

enSocage,eſt tant pl⁹ cõe le rent que le t' tient ſon terre en Socage per,cõe ſil tient p vn denier rẽt, et moruſt, le ſñr aũa cẽ denier rent, et vn denier ouſter pur reliefe de quecunq; age le t' ſoit, al mort de ſõ aũceſtor. Et nota que en aſcuns caſes le ſñr aũa ſon reliefe mainte-nant apres le mort de ſon tenaunt, ſi il ſoit iſſint que le temps del an voit ſuffre ceo dẽe evve, come money, blees,carne,piſh, ſpices,ou aſcun tiel ſemblable, et pur default de payement, le ſeigniour poit pur ceo de common droit preſẽment diſtraigne.

Mes en aſcẽs caſes le ſñr doit demurre pur

in Socage, is ſoe much more as the rent that the tenaunt holdeth his lande in Socage by, as if hee holde by a penye rent and die, the lorde ſhal haue that peny rent, and a peny ouer for reliefe, of what age ſoeuer the tenaunt be,at the death of his auncestour. And note that in ſome caſes the lord ſhal haue his relieſe immediatly after the death of his tenaunt, if it ſoe be, that the tyme of the yeare wil ſuffre the ſame to be gotten,as money, corne, fleſh, fiſh, ſpices, or any ſuch like, and for default of payement, the lorde maye therefore of cõmon right preſently diſtraine.

But in ſome caſes the Lorde muſt ſtay for his

his reliefe a certen time, when necessitie soe constraineth. As if the tenāt holde by a rose, a chery, a strawbery, or such like, & die in winter, he shal not haue reliefe til roses, cheries, and strawberies are naturally fresh and ripe, which is about midsomer, & then he shal haue one for rent, & an other for reliefe.

There is an other kind of reliefe that is payd after the death, change, or alienation of frēholders that hold in auncient demesne, and otherwise, & is paied as a knowledge of the tenure betwene ỹ lord and the tenant. The same is not certein how much, But doth vary according to ỹ custome of the mannour, or tenure,

sō rel' vn cert' temps, qñt necessity issint cōstraint, cōe si le t' tient p vn rose, vn cherue, vn strawbery, ou tiel semblable, et deuie en wynter, il naūa reliefe tāq̄ Roses, cherues, et strawberies sōt naturalmēt freshe, et ripe, q̄ ē al tēps d' Midsomer, et donq̄s il aūa vn pur rent, et vn aut' pur reliefe.

Il y ad vn aut' kind de reliefe q̄ est pay apres le mort, change, ou alienac' de franktenants que tyent en aūc' demē, et autermt, et est pay cōe vn cognusance del tenure p enter le seignior et le tenāt, Ceo nē certein quantimes il vary accordaunt al custome del maner, ou tenure,

et

et eſt deſte preſent p le homage, ou ſutors, al ꝓchein court iour de m̃ le manor.

Et nota que touts foits qm̃ le reliefe eſt due, il doit eſte pay al vn étier pam̃it, et ne my per parties, nient obſtant q' le rent ſoit deſte paye al ſeuerall feaſtes.

and is to be preſented by the homage or ſutours at the next court day of the ſame maner.

And note that alwaies when the reliefe is due, it muſt bee payed at one whole payment and not by partes, although that the rent bee to be payed at ſeueral feſtes.

Remainder.

REmainder de terre eſt le terre que remainera apres le particuler eſtat' det'mine Cõe ſi vn graunt terre pur terme de ans, ou pur vie, le remainder al I.S. ceſt a dire, q' qm̃ le leſſee pur vye eſt mort, que donq̃ le terre remainera, ſerra ou abide oue, al, ou en I.S.

Remainder.

REmaynder of lande is the lande that ſhal remaine after the particuler eſtate determined, As if one graunt lande for terme of yeres or for lyfe, the remaynder to I.S. that is to ſaye, that when the leaſe for yeares is determined, or leſſee for life is dead, that then ẏ land ſhal remaine, ſhalbe, or abide, with, to, or in I.S.

Repli-

Replication.

REplication is when ỹ defendaunt in any action maketh an aũſwere, and the plaintife maketh an aunſwere to that, that is called the replicatiõ of the plaintife.

Repriſes.

REpriſes, are deductions, payments, and dueties that goe yearely and are payed out of a manour. As rent charge, rent ſecke, pentions, corodies, annuities, & ſuch like.

Reſceipt.

REſceit is when an action is brought agaynſt the tenaunt for terme of life, or tenaunt for terme of yeres, and he in the reuerſion commeth in and praieth to be

Replication.

REplication eſt q̃nt le def. en aſc' action fait reſpons, & le pl' fait vn reſpons al ceo, ceo eſt appell le replication del plaintife.

Repriſes.

REpriſes ſount deductions, payms̃, & duities, que va annuelm̃t et ſõt payhors dun manor. Cõe rent charge, rẽt ſecke, pencions, corodies, annuities, et tiels ſẽblables.

Reſceit.

REſceit eſt quaunt vn action eſt port vers tenant pur terme de vye, ou tenaunt a terme dans, et ceſty en la reuerſyon viẽt eins et pria deſte

reſ-

reſceiue pur defēd' la terr', et pur pled' oueſque l'demaūd'. Et qñt il vient, il couient q' il ſoit touts foits priſt a pleder oue le demaūdant.

receiued to defende the land, and to plede wyth the demaundaunt. And when hée commeth it behoueth that hée bée alway redy to plede with the demaundant.

Reſeruation.

REſeruac' eſt priſe diuers voies, et ad diuers natures, cōe aſcun foits p voy de excepc' de reſerue ceo q̄ vn hōe ad deuant en luy, Cōe ſi vn leas ſoit fait pur ans de terr' reſeruāt les graund arbors creſſants ſur ceo. Ore le leſſee ne poyt meddle oueſque eux, ne oueſq; aſc' choſe q' vient p reaſon de eux cy lōge cōe il demurt en, ou ſur les arbors, cōe maſt de oke, cheſnut, pomes, ou tiels ſēblables, Mes ſils chient del arbors al t're,

Reſeruation.

RESeruation is taken diuers waies, t hath diuers natures, as ſome tymes by way of excepcion to kéepe that which a mā had before in hym, as if a leaſe bée made for yeares of ground reſeruing ỹ great trées growing vpon the ſame, nowe ỹ leſſée may not meddle wō thē nor wō any thing ỹ commeth by reaſon of thē ſo longe as it abideth in, or vpon the trées, as maſt of Oke, Cheſtnut, Aples, or ſuch like, but if they fall from the trées to the ground, then

then they are in right the lessées, for ỳ ground is let to him, and al theruppon not reserued &c.

donq' ils sõt en dr't le lessees, car le t'r'est lesse a luy, et tout sur c' nient reserue &c.

Sometimes a reseruation doth get and bringe forth an other thynge which was not before. As if a mã lease his lãds reseruing yerely for ỳ sãe xx.li. &c. and diuers other such reseruatiõs therebe.

Asc' foits vn reseruac' obtaineth et port hors vn aut' chose q̃ ne fuit deuãt, cõe si vn hõe lesse ses t'res reseruãt annuelm̃t pur c̃ xx.li. &c. et diũs aut' tyels reseruations y sount.

And note ỳ in auncient time, their reseruations, were as wel (or for the more part) in victualles whether flesh, fish, corne, bread, drink, or what els, as in mony vntill at the last, and that chiefely in the raigne of kinge Henry the first by agrement, reseruation of victuals, was changed into ready money, as it hath hither to since continued.

Et nota q' en aunc' tẽps, lour reseruatiõs fueront cy bñ (ou pur l'plꝰ part) en victuals, soit ceo, carne, pishe, blees, pane, boier, ou auterm̃t, cõe en mony, tãque al darraine, et especialment, en le temps del roy Henry le prim̃ per agreemẽt le reseruac̃ d' victuals fuit change en prist mony, cõe il ad tanqꝫ cy continue.

Re-

Retraxit.

REtraxit est le preterperfectence de Retraho, compound de Re, et Traho, q' signifie Retraho pur euulser arrere. Et é q̃n le party pl', ou demãdant vient en proper person en le court ou son suit est, et dit q̃ il ne voet vlterius ꝑsequi in placito illo &c. Ore c̃ serra vn barre al actiõ a touts iours.

Retraxit.

REtraxit is the preterperfectẽce of Retraho compounde of Re, and Traho, which make Retraho, to pull backe, and is when the party plaintife or demaundant commeth in proper person into the court where his plea is, and sayth that hee will not procede any farder in the same &c. Now this shalbe a barre to the accion for euer.

Reeue.

REeue est vn officer, mes plus conus en auncient temps que a cest iour. Car chescũ maner ad dõques vn reeue, et vncor en diuers coppyholde manours, (ou le viel custome ascʼ chose ꝓuai-

Reeue,

REeue is an officer, but more knowen in auncient tyme then at thys day: for almost euery manour had then a Reeue, and yet styll in many coppy hold manners (where the old custome any thing preuayleth

leth) the name & office is not altogether forgotten: And is in effect that which nowe euery Bailife of a mannour practiseth: Although the name of Bailife was not then in vse amonge vs being since brought in by the Normans: But the name of Reeue aūciently called Gereue, (which particle (Ge) in continuance of tyme was altogether left out and lost) came from the Saxon woord *Gerefa*, which signifieth a ruler: And so in deede his rule and authoritie was large wythin the compas of his Lordes mannour and amonge hys menne and tenauntes as well in matters of gouernement in peace and warre, as in the

uaile) le nosm̄ et office neſt en tout obliue. Et eſt en effect ceo q̄ a ore cheſcun bayliſe dun maner practiſe: nient obſtant le noſm̄ de bailife ne fuit donques en vre enter no⁹ eſteant puis port eins per les Normās. Mes le noſme de Reeue auncientment appell (quel particle (Ge) en continuance de temps fuit ouſterment omiſe et pard) viēt del Saxon parol Gerefa, q̄ ſignifie vn ruler. Et iſſint veram̄t sō rule et authority fuit large deīs le compas del maner ſon ſm̄r et enter ſes homes et tenaunts cy bien en choſes de gouernement en peace et guerre, come en le

ſkilful vſe et trade de husbandrye. Car ſi-cõe il collect les rents del ſir, payer repriſes, ou duities iſſuãts hors del maner, appoynt les ſeruants de woorker, ſuccide et decoup arbres pur repayrer les edifices, et enclo-ſures, oueſque diuers tiels ſemblables pur le commodity del ſeygour: Iſſint auxy il ad aucthoritie de gouerner, et ſeruer les tenaunts en peax, et ſil beſoigne, de conducter eux en guerre.

Reuerſion.

REuerſion de terre, eſt vn certein eſtat' remainant en le leſſor ou donour, apres le pertyculer eſtate et poſſeſſion conuey al vn auter.

ſkylfull vſe and trade of husbandry: For as hee did gather his Lordes rentes, pay Repriſes, or duetyes iſſuinge out of the manner: ſet the ſeruants to worke, fel & cut down Trees to repaire the buildinges, and enclofures, with diuers ſuch like for his Lordes commoditity: So alſo he had aucthority to gouerne and keepe the tenants in peace, and if nede required, to leade them forth in warre.

Reuerſion,

REuerſion of lande, is a certen eſtate remayning in the leſſour or donour, after the particuler eſtate and poſſeſſion conueyed to an other.

And

And it is called a reuerſion in reſpect of the poſſeſſiõ ſeperated from it: ſo that hee that hath ỹ one hath not the other at the ſame time, for beeinge in one body together, there cannot be ſaid a reuerſion, becauſe by the vnitinge, the one of them is drowned in the other: And ſo the reuerſion of lande, is the land it ſelfe when it falleth.

Et eſt appel vn Reuerſiõ en reſpect del poſſeſſion ſeparate de c̃, Iſſint que il que ad le vn, nad laut̃ al meſme le temps, car eſteant en vn ſimul, la ne poet eſte dit vn reuerſion, pur ceo que per le vniting, lun eſt merge en lauter, Et iſſint le reuerſion del terre, eſt le terre meſme quant il eſchueſt.

Riot.

RIot is where 3 (at the leaſt) or more doe ſome vnlawfull act: as to beat a manne, Enter vppon the poſſeſſ. of an other, or ſuch like.

Riot.

RIot eſt lou troys (al meynes) ou plures font aſcun illoyal act come de bater vn hõe, Enter ſur le poſſeſſion dun auter, vel huiuſmodi.

Robbery.

RObbery is when a mã taketh any thing

Robberie.

ROberie eſt q̃n vn hõe prẽt aſc̃ choſe

del parſon dun auter felonyſement, comẽt que la choſe pryſe ne ſoyt al value forſque dun denyer, vncore il eſt felony pur quel le offendour ſuffera mort.

from the parſon of an other felonioufely, alque though the thynge ſo taken bee not to the value but of a peny, yet it is felony, for which the offendour ſhal ſuffer death.

Rout.

ROut eſt quant people aſſemble eux meſmes, et puis procedunt, ou chiuauchant, ou allant auãt, ou mouent per inſtigacion dun ou plures que eſt conductor de eux: Ceſt appel vn rout, pur ceo que ils mouent, et proceede en routs et numbers.

Rout.

ROut, is when people doe aſſemble themſelues together and after doe proceede, or ryde, or goe forth, or doe moue by the inſtigation of one, or more who is their leader: This is called a Rout, becauſe they do moue, and proceede in Routes and numbers.

Item ou plures aſſemble eux ſur lour quarelles et braules demeſne, come ſi les inhabytaunts dun

Alſo where many aſſemble them ſelues together vpon their owne quarrels and braules, as if the inhabitaunts of a

Towne

Towne wyll gather them selues together, to breake hedges, wales, ditches, pales, or such like to haue cõmõ there, or to beate an other that hath done to them a cõmon displeasure or such like, that is a Rout and agaynst the lawe although they haue not done or put in execution their mischeuous entent.

ville voyle assembler eux pur debruser heis mures, fosses, pales, ou tyels semblables, dauer comen la, ou de bater vn auter que ad fayt al eux vn cõmon displeasure, vel huiusmodi, cest vn rout et encounter le ley, coment que ils nount fayt, ou myse en executiõ lour male entent.

Sake.

SAk, this is plea and correction of trespas of men in your court, because (Sak) in English is Achesõ in frenche, and Sak is put for Sik as to say for sik sak, also for what hurt, and Sak is put for forfait.

Sake.

SAke, hoc est placitũ et emenda de transgr' hominum in cur' vestra, quia (Sāk) Anglicæ est Achesõn Galice, et dicitur for sick sack idem quod pur quel achesõn, et sak dicitur pro forfayt.

Scot.

SCot, hoc eſt quietũ eſſe de quadam cõſuetudine, ſicut de cõmuni tallagio facto ad opus vic' vel balliuorum eius.

Shewing.

SHewing hoc eſt quietũ eſſe cũ attachiamẽt' in aliqua cur', et corã quibuſcũq; in q̃relis oſtẽſis et nõ aduocat'.

Sok.

SOk hoc eſt ſecta d' hominibus in curia veſtra ſecundũ conſuetudinem regni.

Sokmans.

SOkmans ſõt les tenants en aunc' demeſne q̃ux tient lour terres p ſocage, ceſt adire, per ſeruice del carue, et pur ceo ils ſount appel Sokmãs, q' eſt taunt adire cõe

Scot.

SCot, that is to be quite of a certen cuſtome, as of common tallage made to the vſe of ỹ ſhirife or his Bailifes.

Shewinge.

SHewing that is to bée quit with attachment in any court and before whomſoeuer in plaintes ſhewed & not auowed.

Sok.

SOk this is ſuit of mé in your court according to the cuſtome of ỹ Realme.

Sokmans.

SOkmans, are the tenants in auncient demeſne, that holde their lands by Socage, that is by ſeruice with ỹ plough, and therefore they are called Sokmans, which is as much to ſay, as

tenante

tenants or mẽ that hold by seruice of the plough, or plowmen. For Sok signifieth a plough.

And these Sokmans, or tenants in auncíẽt demesne, haue many and diuers liberties gyuen and graunted to them by the lawe, as wel these tenants that holde of a common person in auncient demesne as those that hold of the Quéene in auncient demesne: as namely to bée frée from payinge tolle in euery Market, Faire, towne, and Cytie throughout the whole Realme, as well for their gwdes and cattels that they sel to others, as for those thynges that they buy for their prouision, of other. And thereuppon

tenáts ou homes q̃ux tient per seruice del carue, ou homes del carue. Car sok signify vn carue.

Et ceux Sokmans ou tenants en auncíẽt demesñ, ount pluſors et diuers liberties dõe et graunt a eux per le ley, Cybien ceux tenants queux tyent dũ cõmon person en aũcient demesne, come ceux queux tient del roigñ en auncient demesne, come nosmẽt deste quite de payer tolle en chescun market, faire, ville, et citie p tout le realme, cy bñ pur lour byens et chattels que ils vende as auters, come pur ceux choses que ils achat' pur lour puisiõ, de auters. Et sur ceo

cheſcun de eux poet ſuer dauer lettrs patents de ſouth le ſeale le Roygne a ſes officers , et al Mayres, Bayilyfes , et auters offycers en le realme d' ſuffer eux deē quite de tolle. Item deſte quit' d' Pontage, murage , et paſſage , et auxi de taxes et tallage graunt per Parliament ſinon que le Roygne taxe auncyent demeſne, come el poet al ſa pleaſur' pur graund cauſe. Auxy deſte quite d' paimēts as les expēſes del chiualers del ſhire queux vient al parlyament. Et ſi le vic' voile diſtreign eux ou aſc' de eux deſtr' cōtributor' pur lour terr' en auncien deñ , donqs lun de eux ou touts come

euery of them may ſue to haue letters patentes vnder ỳ Quēnes ſeale directed to her officers, & to ỳ Maires, Bailifes & other officers in the Realme to ſuffer them to bē tolle frē. Alſo to bē quit of pōtage, murage, and paſſage, as alſo of taxes and tallages graūted by parlyament, except that the Quēne take auncien demeſne as ſhē may at her pleaſure for ſome great cauſe. Alſo to bē frē frō payments towardes the expenſes of the knightes of the Shire ỳ come to the parliament. And if the ſhirife will diſtreine them or any of them to bē contributory for their lands in auncyent demeſne, then one of thē or all as the

the case requireth maye sue a writ directed to the shirife cõmaunding him that hée doe not compell them to bée contributories to the expenses of the knightes, and the same writte doth commaunde him alsoe, that if he haue alreadye vpstrayned them therfore, that hée redeliuer the same distresse.

Alsoe that they ought not to bée impanelled, nor put in iuries and enquestes in the countrey out of their manner or lordship of auncyen demesne, for the lands that they holde there (except that they haue other lãds at the common lawe, for which they ought to be charged) and if the sheriffe doe returne them in panelles, then they

le case require poyt suer vn br'e direct al vic' luy commaund q̃ il ne cõpell eux deste contributoris al expẽ ses del chiualers. Et celuy br' luy cõmaũd auxy, que sil ad distrayne eux pur ceo, que il redeliuer mesm̃ cest distresse.

Item que ils ne deuer' estre enpannell, ne mis en Iuries & enquestes en payes hors de lour mannor ou seigniory de auncien demesne, pur les terres que ils teygne la (sinon que ils ount auters terres al common ley, pur quex ils deuer' estre charge) & si le vicont retourne eux enpanelles, donques ils

poyent

poient aũ vn br'enũs luy de non ponẽdis in aſſiſis et iuratis. Et ſil face al cõtrary, donq̃ giſt vn attachmẽt ſur ceo enuers luy. Et iſſint eſt auxy ſi les bailifes de frãchiſes q̃ux ont retourne de br'es voile returne aſc' del t' q̃ux teigne en aũc' demñ, en aſſ. ou iuries.

Et auxy deſte exẽptes del letes, et d'turnes del vic', oueſq̃ diuers aut's ſemblables liberties.

may haue a writ againſt him de non ponendis in aſſiſis et iuratis. And if he doe to the contrarye, then lieth an attachmẽt vpon ẏ againſt him. And ſo it is alſo, if the bailifes of fraunchiſes that haue returne of writtes will returne any of the tenauntes which holde in auncięt demeſne in aſſiſes or iures.

And alſo to be exempt from lætes, and the ſhirifes turne, wyth dyuers other ſuch like lyberties.

Spoliation.

SPoliatiõ eſt vn ſuit pur les fruits dũ eſgliſe, ou pur leſgl' mñ: et eſt deſte ſue en le ſpiritual court, et nemy en nr'e courts. Et ceſt ſuit giſt pur vn

Spoliation.

SPoliation is a ſuit for the fruites of a church or for the church it ſelfe, and is to bee ſued in the ſpyrytuall Court, and not in our courtes. And thys ſuyt lyeth for one in-

incumbent against an o-
ther incumbent, where
they both claime by one
patron, and where the
tyght of the patronage
doth not come in ques-
tion or debate. As if a
parsonne be created a
Bishoppe, and hath dis-
pensation to kepe his be
nefice still, and after-
warde the patron pre-
sents an other incumbēt
which is instituted, & in-
ducted: Now ỳ Bishop
may haue agaynst that
incumbent a Spoliation
in the spiritual court, be-
cause they clayme both
by one patron, and the
tyght of the patronage
doth not come in debate,
and bēcause that the o-
ther incumbent came to
the possessiō of ỳ benefice

encumbēt enuers vn
auter encūbent, ou ils
ambideux claime per
vn patron, et lou le
droit del patronag ne
vient en question ou
debate. Cōe si vn per-
sō soyt cree en Euesq
et ad dispensation de
tener son rectory, &
puis le patron presen
auter encumbent que
est institut' et induct:
Ore leuesque poyt a-
uer enuers cesty en-
cumbent vn Spolia-
tyon en le spirituall
court, pur ceo que
ils ambideux clayme
per vn patron, & le
droyt del patronage
ne vyent en debate,
& pur ceo que lauter
encumbent vyent al
possess. del benefice

per

per le cours del ley ſpiritual, cẽ aſcauoier per inſtitution & induction, iſſint que il ad couler de aũ ceo, et deſtre perſon per le ſpiritual ley. Car aut'ment ſil ne ſoit inſtitute & inducte &c. ſpoliation ne giſt enuers luy, mes vn br'd' treſpas, ou vn aſſiſe de nouil diſſeiſin &c.

Iſſint eſt auxy lou vn parſon accept aut' benifice per reaſon de que, le patron preſẽt vn aut'clarke, que eſt inſtitute et induct, ore lun de eux poyt auer ſpoliation enũs le auter, et donq̃ viendra en debate ſil ad plurality ou non. Et iſſint eſt de depriuation &c.

Meſme le ley, eſt

by the couſe of the ſpirituall lawe, that is to ſay by inſtitutyon and induction, ſoe that he hath couler to haue it and to bee perſon by the ſpirituall lawe, for otherwiſe if he be not inſtituted and inducted &c. ſpoliatyon lieth not againſt hym, but rather a writ of treſpas, or an aſſiſe of nouel diſſeiſin &c.

Soe it is alſoe where a perſon doth accept an other benefice, by reaſon whereof the patron preſentes an other clerke whoe is inſtituted and inducted, nowe the one of them may haue ſpoliation againſt the other, & thẽ ſhal come in debate if he haue plurality or not. And ſo it is of depriuation &c.

The ſame lawe, is where

where one sayeth to the patron, that his clerke is deade, where vppon hée presentes an other. There the first incumbent which was supposed to be deade may haue a spoliation agaynst the other, and soe in diuers other such like cases.

lon vn dit al patron, que son clerke é mort sur que il presente vn auter. La le primer encumbét, que fuit surmise deste mort poyt auer vn spoliation enuers le auter. Et issint en diūs aut's semblables cases.

Stallage.

STallage that is to bée quite of a certeine custome exacted for ỹ streat takē or assigned in faires and markets.

Stallage.

STallage hoc est quietum esse de quadā cōsuetudine exact' p platea capta vel assignata in nundinis & mercatis.

Suit couenant.

SVit couenant is when your auncestours haue couenaunted wyth my auncestors to sue to the court of my auncestors.

Suit couenant.

SVit couenaunt est quaunt voster auncestors ount couenāt oue mes auncestours de suer a le court mes auncestors.

Suit custome.

Suit custome.

Suit

SVit custome est qñt ieo et mes auncestours sount estre seysies de vr' suit demesñ et voſtre auncestours de tẽps &c.

SUit custome is when I and my auncestours haue bene seysed of your owne suit and your auncestours, tyme out of minde &c.

Suit rial.

SVuit rial est quant hõesvient al tourne de viscount ou leete, a q' courts touts hões ſerra compell de vener a conuſter l' leies, iſſint que ils ne ſerra ignoraunt de les choſes q̃ux ſerra mr's la cõmt ils ſerra gouernes. Et est appell rial ſuit per cauſe de lour allegeaunce, & ceo appiert per common experience quãt vn est iure ſon oth est que il ſerra loyall & foial hõe al Roigne. Et ceo ſuit nest pur le

Suit rial.

SUit rial is when men come to the ſhiriffes tourne or leets, to which court al men ſhalbee cõpelled to come to knowe the lawes, ſoe that they ſhall not be ignorant of the thinges that ſhalbee declared there howe they ſhalbe gouerned. And it is called rial ſuyt becauſe of their allegeaunce, and thys appereth by common experience when one is ſworne, his othe is that hee ſhalbe a loyall and faythfull manne to the Quéene. And thys ſuyt is not for the land

lande which hée holdeth within the Countie, but by reaſon of his perſon, and hys abode there, and ought to bée done twiſe a yere, for defaut whereof, he ſhalbe amerced and not diſtrayned.

terr' que il tient deins le countie, mes per reaſon de ſon perſon, et pur ſon reſt la, et doyt eſtre fayt deux foites per an, pur defaut de que, il ſerra amerce et nõ diſtreignſ.

Suit ſeruice.

SUit ſeruice is to ſue to the ſherifes tourne or leete, or to the lordes court frõ iij. wekes to iij. wekes by ỹ whole yere, & for default thereof, a mã ſhalbee diſtrayned and not amerced. And this ſuit ſeruice is by reaſon of the tenure of a mans landes.

Suit ſeruice.

SVit ſeruice, eſt a ſuer al turne del viſcount ou leete, ou al court del ſeignior de troys ſemeynes en troys ſemaynes per lentier an: Et pur defaut de ceo, vn home ſerra diſtreigne et nõ amerce. Et ceſt ſuit ſeruice eſt per reaſon del tenure del terres dun home.

Taxe and Tallage.

TAxe and Tallage, are payments as tenthes, fiftenthes, ſubſydyes,

Taxe et Tallage.

TAxe et Tallage ſõt paimts, cõe diſmes quinzimes, ſubſidyes,

ou

ou tiels ſéblables grãt al roigne p̃ parliam̃t.

Les tenants en aunc' dem̃ ſõt quites d'ceux taxes, et tallages grãts p̃ parliament, ſinõ que le roigne taxe auncië dem̃, cõe el poet quãt a luy pleaſt pur graũd cauſe. Voies auncient demeſne.

Tenure in Capite.

TEnure en capite eſt lou aſcun tient del Roigne come de ſa p̃ſon eſteant roigne, et de ſa Corone, come dun ſeygniourie per luy meſme en groſſe, et en chyefe de ſuis touts auters ſeygnio-ries. Et nemy lou ils tient de luy come de aſcun mauer, honor, ou Caſtel, ſinon cer-teyne auncyent ho-nors, vt patet in Scac-cario.

or ſuch like graunted to the Quœne by Parlya-ment.

The tenaunts in aun-cien demeane are quite of theſe tares & tallages graunted by parliament except ỳ the Quœne do tare aũcẽt demeſne, as ſhe may whẽ ſhe thinks good for ſome great cauſe See auncient demeſne.

Tenure in capite.

TEnure in capite is where any holde of ỳ Quœne as of her per-ſon beinge Quœne, and of her Crowne as of a Lordſhippe by it ſelfe in groſſe, & in chiefe aboue al other lordſhipes. And not wher they hold of her as of any manor, honor, or caſtel, except certein auncient honors, which appere in the Eſchequer.

Teſta-

Testament.

TEstament is thus defined or expounded in master Plowdēs commentaries, a testament is the witnesse of the mind, and is compound of these 2. words testatio & mentis, which so signifieth, truth is, that a testament is a witnes of the mynde, but that it is a compoūd word, Aulus Gellius in his vi. booke ca. 12. doth deny ỹ same to an excellent lawyer one Seruius, Sulpitius, & saith that it is a simple word, as are these: Calciamentum, Paludamentum, pauimentum, & diuers such like: And much lesse is aggreamentum a compounde worde of aggregatio, and mentium as is sayde before in that

Testament.

TEstamēt est issint define ou expoūd en M. Plowdēs cōmētaries. Testamentum est testatio mentis, et est compoūd de ceux deux parolx. Testatio et mentis q̄ issint signifie veray il est, q̄ vn testament est testatio mentis, mes q̄ il est vn compoūd parol, Aulus Gellius en sō vj. liuer cap. 12. deny ceo al vn excellent Lawier vn Seruiꝰ Sulpitius et dit q̄ il est vn simpl' parol, cōe soūt ceux, Calciamētum, Paludamentum, Pauimētū, et diūs tiels sēblables. Et mult meynes est agreament' vn cōpounde parol de aggregatio, et mentium, come est dit é mē

title, car il ny a d nul tiel latin parol ſimple ou compound, mes il poet niét obſtát ſerue bien pur vn ley latyn parol. Et pur c̃ il poet iſſint eẽ melior defiñ. Teſtamentũ eſt vltimæ voluntatis iuſta ſententia de eo quod quis poſt mortem ſuá fieri vult &c. Et de teſtamẽts il y ad deux ſortes, ceſtaſſauoir vn teſtament en eſcript, et vn teſtament p parolx, q̃ eſt appel vn nũcupatiue teſtament. Le priñ eſt touts foits en eſcript cõe eſt dit.

Le auter ẽ quant vn hõe eſteant malade, et pur pauour ne mort, ou faut de memory, ou de pler voet veñ ey ſuddeinmẽt, et haſtiuemẽt ſur lui q̃ il ſerr'

title, for there is no ſuch latin word ſimple or cõpound, but it may neuerthelelſe ſerue well for a lawe lattyn worde.

And therefore thus it may be better deſined: A teſtament is the true declaration of our laſt will of that wée would to bée don after our death &c. And of teſtamẽts there bée ii. ſortes, namely a teſtament in writinge, & a teſtamẽt by wordes, which is called a nuncupatiue teſtament.

The firſt is alwayes in writing as is ſayd.

The other is when a man being ſicke, and for feare leaſt death or want of memory, or of ſpeach, ſhould come ſoe ſoddenly and haſtely vppon hym that hée ſhould be

pre-

preuented if hée stayed the writinge of hys testament, desireth hys neyghbours and frends to beare witnesse of hys last will, and then declareth the same presently by wordes before them, which after his decease is proued by witnesses, and put in writinge by the ordinary, and then standeth in as good force (except for lands) as if it had at ỳ first in the lyfe of the testatour byn put in writinge.

preuent, sil demurt le scripture de son testament, reqst ses vicines et amies de porter testmoigne de sõ darrayn volunt, et donqs declare ceo presentmẽt per parolx deuãt eux, q̃ apres sõ decease est pue p̃ testemoignes, et mise en escript per le ordinary, Et donqs il ẽ en cy bone force, (sinõ pur terres) sicõe il ad al primer en le vy del testatour este mise enescript.

Them.

THem, that is ỳ you shall haue all ỳ generation of your villaynes with their sites & cattel whersoeuer they shalbe found in Englãd except that if any bondmanne shall remayne quite one yeare, and a day in any

Them.

THem, hoc est quod habeatis totam generationẽ villanorum vestrorũ cũ eor' sectis et cattallis vbitũq; in Anglia fuer' inuenta, excepto si qd' aliquis natiuus quiet' pvñ annũ et diẽ i aliqua villã

priuilegia manserit, ita quod in eor' cõmuniã vel gildam tanquam vnus illarũ repertus fuerit, eo ipso a villenagio liberatus est.

priuiledged towne so y hee shalbee receaued into their cõminaltie or guild as one of them, by that meanes hee is deliuered from villenage.

Thefbote.

THefboote est qñt home prist byens dunlaron de luy fauourer et maintainer. Et nemy quant hõe prist ses byens demesne que fuerent éblees de luy &c.

Le punishment en aunc' tẽps de Theefebote fuit de vie et de member: Mes a ore M. Stamford dit q̃ il é punish per raunsome et imprisonment, sed quære, car ieo pense ceo este felony.

Thefbote.

THefebote is when a mã taketh any goods of a thæfe to fauour and maintaine him: And not when a man taketh hys owne goodes that were stolne from him &c. The punishment in auncient time of thæfebote was of life and member: But now at this day (after Stamford sayth it is punished by raũsome, and imprisõmẽt but enquire farder for I thinke it bee felony.

Title.

TItle est lou loial cãe est veign̄a vn hõe

Title.

TItle, is where a lawful cause is cõe vpon a man

to

to haue a thing which an other hath, & hee hath no action for ỳ same, as title of mortmain, or to enter for breach of a cõditiõ

Title of entrie.

TItle of entrie, is whẽ one seysed of lande in fee maketh a feoffement thereof vpon condition, and the condityon is broken: Nowe after the condition thus broken, the feoffour hath title to enter into ỳ land and may so doe at hys pleasure, and by hys entrie the freeholde shalbe sayd to bee in him presently. And it is called title of entrie, because that hee cannot haue a writ of right agaynst his feoffee vpõ cõdition: For his right was out of him by the feoffemẽt, which cannot be reduced without entrie, & the entrie

de auer chose q̃ auter ad, et il nad ascũ acc' pur ceo, come title de mortm̃, ou dentry sur condic' enfreynt.

Title Dentrie.

TItle Dentrie est quant vn seisie de terr' en fee fait feoffemẽt de ẽ sur condiẽ, et le condic' ẽ enfreint: ore apres le condiciõ issint enfreint, le feoffour ad title dent' en le terre, et issint poet q̃ũt a luy pleist, et per son entrie le frankteneñt serra dit en luy maintenant. Et ẽ appell title Dentrie pur ceo q̃ il ne poet aũ br' de droit enús sõ feoffee sur condition, car son droit fuit hors de luy per le feoffement, le q̃l ne poit eẽ reduc' saús entrie, et le entrie

doit cẽ pur l enfreind' del condition.

must be for the breach of the condition.

Tolle, ou Tolne.

TOlle ou Tolne est plus propermẽt vn paiment vse en cities, villes, markets et fairs pur biẽs et cattel port la destr' achat' et vẽd, Et est touts dits deste pay per le achator, et nemy per le vendour sinon que soyt ascun custome al contrarye.

Tolle, or Tolne.

TOlle or tolne, is most properly a payment used in Cities, Townes Markets, and faires for goodes & cattell brought thither to bee bought and sold: And is alwayes to bee payed by the buyer, and not by the seller, except there bee some custome otherwise.

Il y ad diuers auters tolles, cõe turne tolle, et ceo est lou tolle est pay pur auers queux soũt driues deste vẽdus, comẽt que ils ne sount vendus.

There are diuers other tolles, as turne tolle and that is where tolle is payed for beastes that are driuen to bee solde although that they bee not sold in deede.

Item tolle trauers, ceo est ou vn clayme dauer vn ob. ou tyel semblable toll', d' chescũ

Also tolle trauers, that is where one claymeth to haue an halpeny or such lyke tolle of euery

beast

beſt that is driuen ouer his ground.

beast que é driue ſur ſon terre.

Through tol, is where a Towne preſcribes to haue tolle for euery beſt that goeth through their Towne a certen: or for euery ſcore or hundred a certen, which ſæmeth not to be ſo vnreaſonable a preſcription or cuſtõe as ſõe haue thought, although it bée through the Quéenes high way (as they call it) where euery man may lawfully goe, if that there bée one thinge for an other, as if there bée a bridge or ſuch like commodity prouided at the coſtes & charges of the Towne, for the eaſe of trauailers ỹ driue that way, whereby their Journey is either ſhortned or bettered, why then may not

Through tolle, é lou vn ville preſcribe de auer tolle pur cheſcũ beſt que ale through lour ville vn certein, ou pur cheſc' vint ou cent, vn cert', q̃ ne appiert deé cy vnreaſonable p̃ſcripc' ou cuſtõe cõe aſcũs oũt ſupp̃ niét obſtant il ſoit p le haut chimin del roine (come il c̃ appel) ou cheſc̃ poet loyalment paſſe: ſil y ad quid pro quo, come ſi la ſoit vn pont ou tyel ſẽblable cõmodity puruieu al coſtes et charges del vill' pur le eaſe d' trauailers que chaſe m̃ voy, per q' lour iourney eſt ou abrydge ou fait l' meliour: pur que donques ne poet

tolle eſte dd' loialmẽt et oue bon reaſon de eux &c. Mes diũs cyt-tizens et burgeſſes ſõt quite de pay tolle p le graunt del roigne, ou ſa aũceſtors, ou claim ceo per preſcriptyon ou cuſtõe. Iſſint auxy eſpirituall perſons et religious homes (com ils fueront appels) fueront quite de tolle pur lour byẽs et marchaundyſes achate et vendus &c. Mes a ore le ſtatute de Roy H. 8. voet que ils ne marchãdiſer, ſed quære ſi lentent de cẽ ſtatute ſoit obſerue ent' eux al cẽ iour ou nemy, aſcuns diont que non. Item tenũts en aunc' demeſne doiẽt eſte quite per tout le realme de payer tolle

tolle bee lawfully, and wyth good reaſon demaunded of them &c. But diuers Citizens & Townes men are free frõ paying tolle by grãt of the Quene, or her aũceſtours, or do claime the ſame by preſcription or cuſtome. So alſo ſpiritual perſons, and religious men (as they call thẽ) were quit of paying tolle for their goodes and marchandiſes bought & ſold, but now the ſtatute of kinge H. 8. wyll that they ſhall not marchandize: But enquire whether ỹ intent of ỹ ſtatute be obſerued among thẽ at this day or not, ſome ſay it is not.

Alſo tenãts in auncient demeſne ought to be quit thorough the whole Realme of payinge tolle,

as

as appereth before in ỹ title Sokemans. And in all these cases where tolle is demaũded where it ought not to bee payed of them that shoulde goe, buy, and sell tolle free, there the party or parties greved may haue a writ, De essendi quietum de tolonio, against hym or them that soe demaunde tolle contrarye to the Quéene or her progenitours graunt, or contrarye to custome or prescription.

cõe appiert deuant en le title Sokemans. Et en touts ceux cases ou tol est deẽ dd', ou il ne doit este pay de eux q̃ doient aler, achate, et vend' quite de tolle, la le partye, ou partyes greeue poyẽt auer vn briefe de essendi quietum de Tolonio, enuers luy ou ceux que issint demaunde tolle contra al graunte le Roygne ou sa progenitours, ou contra al custome ou prescription.

Sheriffes tourne.

Sheriffes Tourne is a court of Recorde in al thinges that parteyne to the tourne. And it is the Quéenes léete throwe al the County, and the sherife is iudge. And whosoeuer hath a léete,

Tourne del viscount.

TOurne del viscoũt est vn court de record en touts choses q̃ ptain al tourne. Et ẽ l' leete l' Roigne p tout le county, et le vicont est iudge. Et quecunque ad vn leete,

ad

adm̃ le auctho̅rity deins le precinct, ſicõe le vic' ad deins le tourn̄.

hath the ſame auctho̅rity wi̅n ỳ p̄cint, as ỳ ſhrue hath wi̅n the tourne.

Treaſure troue.

TReaſure troue eſt quant aſcun mony ore, argent, plate, ou boliõ, eſt troue en aſcũ lieu, & nul conuſt a que le property eſt, donques le propertie de ceo appertyent al Royne, et ceo eſt dyt treaſure troue. Mes ſi aſcun mineral de mettal ſoyt troue en aſcun terre, ceo toutes foites pertient al ſeigniour del ſoile, forſque que il ſoyt mineral de ore, ou de argent, queux ſerrount toutes foits al Roigne en quecunq; ſoile q̃ ils ſont troues.

Treaſure found.

TReaſure found is whē any mony, gold, or ſiluer, plate, or bolleyne, is found in any place, and noe manne knoweth to whom the p̄opertye is, then the p̄operty therof belongeth to the Quēne, and that is called treaſure troue, that is to ſaye, treaſure founde. But if any myne of mettal be founde in any grounde, that alwaye pertayneth to the lord of the ſoile, excepte it bē a myne of gold or ſiluer which ſhall be to ỳ Quēne in whoſe grounde ſoeuer it bee founde.

Viewe.

Viewe.

Mieſyes

VIewe is when anye action real is brought & the tenãt knoweth not wel what lande it is that the demaundant aſketh, then the tenant ſhal pray the viewe, that is to ſay, ỳ he may ſee ỳ lãd which he claimeth. But if the tenant hath had the viewe in one writ, and after the writte is abated by myſnaminge of the towne, or by ioynture, and after the demaundaunte purſueth another writte againſt the tenant, then the tenant ſhal not haue the viewe in the ſeconde writ.

VIew eſt quant aſcun action real eſt port, et le tenaunt ne ſcauoit bié quel terre il eſt que le demaundant demaũde, donq̃ le tenant priera la vievve. s. q̃ il puit voier le terre que il claima. Mes ſi le tenaunt ad ewe le vievve en vne briefe, et puis le briefe eſt abatus per myſnoſmer de ville, ou per iointenure, et puis le demaundaunt port vne tyel briefe vers le tenaunt, donques le tenaunt nauera le viewe en le ſecond briefe.

Viſcount.

VIſcount is a magiſtrate, and officer, of great authoritie, whom we cõmonly cal (Sheriſe) or to ſpeake more

Viſcount.

VIſcoũt é vn magiſtrate et offic̃ d'graũd authority q̃ no⁹ cõmunem̃t appellomus (Shirife) ou d'pler pl⁹ veray-

verayment (Shire reue) et fuit al primes appel (Shire gereue) ceſt a dire cuſtos comitatus, ou l' reue ou ruler del county, car (Gereue) eſteát deriue del Saxon paroll (Gereccan pur ruler) fuit al pmes appel (Gerecfa) et dõques (Gerefa) que betoken vn ruler. Et de ceo vient (Portreue) ou (Portgereue) vn noſme q̃ en viel tẽps fuit don al chiefe officer dun ville, et ſignifie le gouernour del ville pur c'que (Port) veniens de le Latyne parol (Portus) ſignifie vn port ville. Et (Gereue) eſteát deriue cõe eſt auantdit, ſignifi vn ruler, iſſint que (Portgereue) ou (cõe nous a ore briefeint parle c̃)

truely (Shire reue) and was at the firſt called (Shiregereue) ẏ is to ſay the keeper of the Shire, or the reue or ruler of the ſhire, for (Gereue) being deryued of the Saxon worde (Gereccan to rule) was firſt called (Gerecfa) and then (Gerefa) which betokeneth a ruler. And hereof commeth (Portreue) or rather (Portgereue) a nãme that in olde tyme was geuen to the head officer of a towne, and ſignifieth the ruler of the town for that (Port) comming of ẏ Latine worde portus) ſignifieth a port towne. And (Gereue) beinge deriued as is aforeſaid, ſignifieth a ruler, ſoe that (Portgereue) or (as nowe ſhorter ſpea.. it)

(Port-

(Portreue) is the ruler of the towne.

And thus was the head officer or gouernour of the Citie of Londō long synce (before they had ỹ name of Maier or Baylife) called, as it doth appere in diuers old monuments: But chiefely in the Saxon Charter of William bastard ỹ conquerour, which thus beginneth. William the king, greeteth William the Bishoppe, and Godfrey the Portreue, and al the Citizens that in Lōdon bee &c.

So also they of Germany (from whom wee our language together first came) call amonge thē one gouernour burgreue, an other Margreue, an other landsgreue

(Portreeue) est le gouernour del ville.

Et issint fuit le chief officer ou gouernour del citty de London longe tēps past (deuāt que ils ad le nosme de Maire ou Bailife) appell, cōe il appiert en diuers viel monumts, mes principalmēt en le Saxons charter de Guillam Bastarde le conquerour, que issint commence. William Cyng greit Will' Bisceop, And Godfrey Ges port Gerefan, & dalle tha Burwaren the on Loūdē beon.

Issint ils de Germany (de q' no⁹ et nostr' lāguage ensēble primmt viēt) appel ent'eux vn gouernour Burgreue, vn auter Margreue, et vn aut' Lādsgreue

greue, oue tiels ſẽbla-
bles &c. Ceſt tant eſt
dit tãtſolem̃t pur mr'e
le droyt Etymon, et
antiquitie del paroll
(Shirife) a quel officer
nr' cõmõ ley ad touts
foits accordant done
grãd cõfidẽce, et aue-
thoritie, come de eſtre
vn ſpecial p̃ſeruer del
peace: et pur c̃ toutes
obligatiõs q' il priſt a
m̃ le purpoſe, ſoũt cõe
Recogniſãces en ley,
Il auxi eſt vn ludge d'
record, q̃t il tient les
leetes ou tournes, les
q̃ux ſõt courts d' rec'.

Item il ad le returne
des br'es, et impanel-
ling de iuries et tyels
ſemblables &c.

greue with ſuch like &c.

Thus much is ſaide
onely to ſhewe ẏ right
Etymon and antiquity
of the woꝛd (Shirife) to
which officer, our com-
mon lawe hath alwaies
accoꝛdingly giuen great
truſt, and aucthoꝛitie,
as to bee a ſpeciall pꝛe-
ſeruer of the peace: and
therefoꝛe all obligations
that he takes to ẏ ſame
end, are as recogniſan-
ces in lawe. Hee alſo is
a iudge of recoꝛd, when
he holdes the Leetes oꝛ
tournes which ar courts
of recoꝛd.

Alſo hee hath the re-
turne of writs, and im-
panelling of Iuries, and
ſuch like &c.

Voucher.

VOucher eſt q̃t vn
Prec' qd' redd' de

Voucher.

VOucher is when a
Precipe qd' redd' of
land,

lande is brought against a man, & an other ought to warrant the land to ỹ tenant, then the tenaunt shal vouch him to warranty, and theruppon he shal haue a writte called Summonias ad warrantizádum, & if ỹ shirife returne, ỹ he hath nothing by the which he may bee summoned, then there shal go forth a writ called Sequater sub suo periculo, & whē he commeth hee shall plede wyth the demaundaunt, and if he come not, or if hee come and cannot barre the demaundant, then the demaundaunt shal recouer the land against the tenant, & the tenāt shal recouer asmuch land in value agaynst the vouche. and thereuppon he shall haue a writ called capias

terre est pour vers vn home, & vn auter doit garraunty le terre al tenaunt, donques le tenaunte luy vouchera a garrauntie, & sur ceo il auera vn briefe appel summonias ad vvarrantizandum, & si vycount retourne que il nad ryens que il puyt este som, donques issera briefe appel, sequatur sub suo periculo, & quaunt il vient il pleder' oues le demaundaunt, & si il vient & ne puyt barre le demaundant, donques le demaundant recouera la terre vers le tenant, & le t' recouera tant de t're in value vers le vouch, et sur c' il aūa vn briefe appel capias

ad

ad valentiã agaynst the vouch.

ad valenciam vers le vouch.

Vses.

VSes of lande had bée-gynninge after that the custome of property bée-ganne amonge menne. As where one beeinge seysed of lands in fée simple, made a feoffement to an other without any consideration, but onely meaninge that the other should be seised to his vse, and that hée him selfe would take the commoditie and profites of the landes, and that the feoffée shoulde haue the possession and franketenement thereof to ỹ same vse &c. Nowe after thys vppon good consideratyons, and to auoyde dyuers mischiefes and inconueniences, was ỹ statute

Vses.

VSes de terre ad son cõmencement apres que le custome de property comence enter homes, Come ou vn esteant seisie de terres en fee simple, fait vn feffemt al vn autr sans aſcun cõſiderac', mes ſolemt meaning q'le auter ſerroit ſeiſie al ſõ vſe, et q' il m̃ voile prender le cõmodity et profits de les terres et q'le feffee doit aũ le poſſeſſiõ et franke-tenement de ceo al meſme le vſe &c. Ore apres ceo, ſur bone conſiderations, et pur auoyder diuers miſchiefes & inconue-niences, fuit le ſtatut

de

of an. 27. H.8. cap. 10. prouided, which vniteth the vse and possession together, so that who hath the vse of land, the same hath the possess. thereof, by vertue of that estatute.

ſtatut d' An. 27. H.8. cap. 10. puruieu, quel vnite le vſe et poſſeſſion enſembl', iſſint q̄ il q̄ ad le vſe de t're, il meſme ad le poſſeſſiō de ceo, per vertue de ceſt eſtatute.

Vsury.

VSury is a gayne of any thynge aboue the principall, or that whych was lent, exacted onely in consideration of the loane, whether it bee of corne, meat apparel, wares, or such like, as of money. And here much might be said and manie cases might be put concerninge vsurie, which of purpose I omit, onely I wyshe, that they who accompt themselues religious

Vſurie.

VSurie eſt vn gayne de aſcū choſe ouſter le pryncipall, ou ceo que fuit lent, exact ſolement en conſideratiō de le loane, ſoyt il de corne, vyand', apparel, wares, ou tyels ſemblables, come de money. Et icy mult puit eſtre dit et diuers caſes poyent eſtre miſe concernant vſurie, le quel de purpoſe ieo omit, ſolem̄t ieo pria, q̄ ceux q̄ accōpt eux m̄s religious

et bō chriſtiās, ne voi-
lent deceiue eux mes p
colour de le ſtatut de
vſury, pur ceo q̄ il dit,
q̄ il ne ſerra loyal pur
aſcū de prend' ouſter
x. li. en le 100. li. pur
vn an &c. per que ils
collect (mes fauxmēt)
que ils poient per ceo
prender x. li. pur le
lone dun 100. li. oue
vn bō cōſcience, pur
ceo q̄ le ſtatut ſolonq̄
vn mañ diſpence oue
ceo (pur ceo que il ne
punishe tiel prēdors)
quel choſe il ne poet
fair' oue l's loies et or-
dinances de dieu, car
dieu voile auer ſes de-
crees obſerue inuiola-
ble, que dit, lende ex-
pectēs pur nul choſe
per c' &c. per queux
parolx eſt exclude, le
priſel d' x. li. v. li. ou d'

and good chriſtiās, would
not deceyue them ſelues
by couller of the ſtatute
of vſurie, becauſe it ſaieth
that it ſhal not be lawful
for any to take aboue x.
li. in the 100. li. for a yere
&c. whereby they gather
(although falſely) that
they may therefore take
for ꝑ lone of a 100.
li. with a good conſcience
becauſe the ſtatut doth af
ter a ſort diſpence with
al (for that it doth not
puniſhe ſuch takynge)
which thing it cannot do
with the lawes and or-
dinances of god, for god
wil haue hys decrees to
bee kept inuiolable, who
ſayth, lēd looking for no-
thinge thereby &c. By
which wordes is exclu-
ded, either the takinge of
x. li. v. pounde, yea or
one

of one peny aboue the principal: But rather let such thinke that that statute was made vpō like cause that moued Moyses to giue a bill of diuorce to ỹ Israelites, as namely to auoyd a greater mischiefe, & for the hardnesse of their harts.

vn denyer ouster le pryncipall, Mes plus pensant tiels que cest statute fuit fait sur tiel cause que moua Moyses de doner vn bill de diuorce al les Israelites, come nosment, pur auoider vn greinder mischiefe, et pur le durytie de lour ceurs.

Vtlawrie.

VTlawrie is whē an exigent goeth forth against any man, & proclamation made at .v. countries, then at the .v. county if the def. appere not, ỹ coroner shall giue iudgment that he shalbe out of the protection of the Quene, & out of the ayde of the lawe: and by such an vtlary in actions personals, the party outlawed shall forfayt all his goodes and cattels to

Vtlagarie.

VTlagari est quaunt exigent isshit vers ascun home et pclamac' fait al v. coūties donques a l'v. coūtie si le def. nappier, l'coroner donera iudgm̄t q̄ il serra hors de protectiō d' roign̄, et hors del eide le ley, et per tiel vtlagary in actiōs personels le party vtlage forfetera toutes ses byens et chateux

al roigne. Et per vtla- to ỹ Quæne. And by an
gary in felony il for- vtlary in felony, he ſhal
fetera auxibien touts forfait aſwel al his lãds,
ſes terres et tenemẽts and tenements that hæ
q' il ad in fee ſimple, hath in fee ſimple, or for
ou pur termñ d' ſa vie, terme of his life, as hys
cõe ſes bñs et chateux. goodes and cattels. And
Et ſi vn home ſoit vt though a mã be outlaw-
lage vncor' ſi aſcũ diſ- ed, yet if any errour or
continuance ou error diſcontinuance be in the
ſoit en la ſuit del ꝓces ſuit of the proces, ỹ party
le party de ceo aũa la thereof ſhal haue aduan-
aduantage, et pur tiel tage, and for ſuch cauſe
cauſe lutlagarie ſerra ỹ vtlary ſhalbe reuerſed,
reuerſe et adnul. Ou & adnulled. Or if ỹ par-
ſi le ꝑty defendãt ſoit te defendant be ouer the
ouſt' la mer' al tẽps d' ſea at ỹ time of the vtla-
vtlagarie ꝓnounce cẽ ry pronounced, that is a
eſt bone cauſe de re- good cauſe of the reuer-
uerſal del vtlary. ſall of the vtlary. If an

Si vn exigent ſoyt erigent bee awarded a-
agard vers vn hõe en gainſt a man in one coũ-
vn coũty lou il ne de- ty where hee dwelleth
murr' pas, vnc' vn ex- not, yet an erigent with
igent oue proclamacẽ proclamation ſhall goe
iſſera al county lou il forth to the coũty where
demurre, ou aut' ñt ſil hee dwelleth: or els if hee

hee

bée thereuppõ vtlawed, the vtlary may be reuerſed as it appereth by the ſtatute made the viii. yere of king Henry viii. And if a man be outlawed in an action perſonal at the ſuit of an other, and after he purchaſe his charter of pardon of the Quéen, ſuch charter ſhal neuer be allowed, till hée hath ſued a writ of ſcire facias to warne the parte plaintife, and if hée appere, then the def. ſhall anſwere him, and barre him of his action, or els make agrément with hym.

ſoit ſur c̃ vtlage, le vtlagary puit eé reuerſe cõe appt p leſtat' fayt An. 4. Hẽrici octaui. Et ſi vn ſoyt vtlage in action perſonel al ſuit dun auter, et puis il purchaſa ſõ charter d' pdon d' Roine, tyel charter ne ſerra iammes allowe tanque il ad ſue vn briefe de Scire fac' de garñ le party plaintife, et ſi il appeare, dõques le defendant reſpondera a luy & luy barrer de ſa actiõ, ou autrement ferra agreemẽt ouecq̃ luy.

VVaiſe.

WAyſe is when a thefe hath feloniouſly ſtolne goods: & beinge nérely followed, wyth hue, and crye, or els purcharged wyth

VVaiſe.

VVAiſe eſt quaunt vn laron ad felonioufm̃t ẽblee bñs, et eſteát nerem̃t purſue oue hue et crie, ou aut'm̃t ſurcharge oue

le burden ou trouble
des biens, pur ſõ eaſe
et plus ſpeedye tra-
uaile ſauns hue et cry
fua, et vvayua les bi-
ens ou aſcun part de
eux arrere luy &c.
Donques le officer
del roign̄, ou le reeue
ou bayliſe al ſeignyor
del maner (deyns que
iuriſdiction ou circuit
ils fuerount wayſe)
que per preſcription,
ou graunt del roygne
ad le fraunchyſe de
vvayſe, poyent ſeyſer
les biens iſſint wayſe
al vſe de lour ſeigny-
our, que poet retaine
eux come ſes proper
byens ſinon que le
owner vient oueſque
fresh ſuit apres le fe-
lon, et ſue vn appell,
ou done en euidence
enuers luy al ſon ar-
raynment ſur lendict-

the burden or trouble of
the gwdes: for hys eaſe
ſake and more ſpeedy
trauaylinge, without hue
& crye, flyeth away, and
leaueth the gwdes or a-
ny part of them behynd
him &c. Then ỳ Quęens
officer, or the Kęrue, or
Bailiſe to the Lorde of
the mannour (wythin
whoſe Jurſdictyon or
circuit they were left)
that by preſcriptyon, or
graũt from the Quęene
hath the fraunchyſe of
wayſe: may ſeyſe the
gwds ſo wayned to their
Lordes vſe, whoe may
kęepe them as his owne
proper gwds: except that
the owner come w̄ freſh
ſuite after the felon, and
ſue an appell, or gyue in
euidęce againſt hī at his
arraignmęt vpō ỳ indict-
ment

ment, and be attainted thereof &c. In which cases the first owner shall haue restitution of hys goodes so stollen & wayued.

But although as hath bin said waife is properly of goodes stolne: yet waife may bée also of goods ỹ are not stolne: as if a man be pursued with hue, and crye, as a felon, and he flieth, and leaueth his owne goods &c. these shalbée taken as goodes wayued, and forfait as if they had byn stolne.

ment, et il attaynt de ceo &c. En queux caſes le primer ovvner auera reſtytution de ſes biens iſſint emblee et vvayſe.

Mes nyent obſtant cõe ad eſte dit, vvaife eſt properment de biens emblees, vncore vvaife poet eſte auxy de biens niẽt embles, Come ſi vn home ſoit purſue oueſque. hue et crie, come vn felõ, et il fua et relinquish ſes biens demeſn &c. ils ſerra priſe come biens vvaife, et forfayt come ſils ad eſte emblees.

VVaiue.

WAiue is a woman that is vtlawed, & shée is called wayue, as left out or forsaken of the law: & not an vtlawe as a man is: For wemen

VVaiue.

WAiue eſt vn feme q̃ eſt vtl', et eſt appel waiue, quaſi relicta ab lege, et nõ vtlag' cõe hõe eſt, car femes

ne ſount iures en lee-
tes al roigne, ne al ley
come homes ſount,
queux pur ceo ſount
deyns le ley ou fem-
mes ne ſount, et pur
ceſt cauſe ils ne poy-
ent eſte dyt hors del
ley entaunt que ils
ne vnques fuerount
deyns ceo . Mes vn
home eſt dyt vtlage,
pur ceo que il fuit vn
foytes iure al ley, et a
ore pur contempt il
eſt mis hors del ley, et
dictus vtlagatus quaſi
extra legem poſitus.

are not ſworne in leetes
to the Quéene, nor to ẏ
lawe, as men are, who
therefore are within the
lawe, whereas women
are not, and for ẏ cauſe
they cannot be ſaid out
of the lawe in ſo much
as they neuer were wõ
it: But a man is called
vtlawe, becauſe that hée
was once ſworne to the
lawe: and nowe for con-
tempt hée is put out of
the lawe, and is called
vtlaw, as one ſhould ſay
without benefite of the
lawe.

VVarwite.

WArwite (ou ward-
wite come aſcuns
copies ad ceo) hoc eſt
quietum eſſe de de-
narijs dandis ꝑ war-
dis faciendis,

VVarwit.

VVArwite (or ward-
wite as ſome co-
pies haue it) that is to be
quite of giuing of money
for hæpinge of watches.

VVrecke

VVrecke. *Wrecke.*

WRecke or barech as the Normans frō whō it cāe cal it, is where a ship is perished on the sea, and no man escapeth a lyue out of the same, and the shippe, or part of the shippe so perished, or the goodes of the ship come to the lande of any Lorde, the lorde shall haue that as a wrecke of the sea, but if a man, or a dogg, or cat, escape a liue, so ỹ the party to whōe ỹ goodes belonge come within a yere and a day and proue the goodes to bee his, he shal haue them a gayne, by prouision of the statute of Westminster the first cap. 4. made in king Ed. 1. daies, who therin followed the decree of Henry the first,

VVReke ou varech cōe les Normás de que il vient appellant ceo, est quant vn niefe est perish sur la mere, et nul home escap viue hors d' niefe & la niefe ou parte del niefe issint perish ou les biēs en la niefe vient al terre dascun seigniour, le sīr les auera cōe vne vvreke d' mere, mes si vn hōe ou vn chien ouechate escape viue issint q' la partie a que les biens sont veigne deins lan et iour, et ꝓue les bīs dest'ses, il aūa eux arr', p ꝓuision del stat' de W. le prim̄ ca. 4. fait en les iours del Roy Ed. le 1. q' en c' follo-wed le decre de H. 1.

de-

deuaunt que iours, si vn nieſe ad eſtre miſe ſur l' shore, torne oue tẽpeſt, et nemye repaier per eux q' eſcapont en vie deins vn certen temps, que dõques ceo fuit priſe cõe vvrecke.

b eſoze whoſe dayes, ſſ a ſhippe had bene caſt on ſhoze, tozne wyth tempeſt, and were not repayzed by ſuch as eſcaped on lyue wythin a certeyne tyme, that then thys was taken foz wzecke.

FINIS.

Seruice de chiualer.

TO holde by knightes ſeruice, is to holde by homage, fealty, and cſuage, and it drawyth to it warde, mariage, & reliefe, and know thou that knights ſeruice is ſeruice of landes or tenementes to beare armes in warre in the defence of the Realme, and it oweth ward & mariage by reaſō that none is able nor of power, nor may haue knowledge to beare armes, before ỳ he be of ỳ age of 21. yeres. And for ſo much that the Lorde ſhall not leeſe that that of ryght hee ought to haue, and ỳ the power of the realme, nothinge be made weke: The lawe wil becauſe of his tēder age, ỳ ỳ

Seruice de chiualer.

TEnir per ſeruyce d'chiualer eſt a tener per homage fealty, et eſcuage, et treit a luy garde mariage et reliefe. Et nota que ſeruice de chiual' eſt ſeruice de terre ou de teñts pur armes port' en guerre en defec' d' roialme, Et doit gard mariage per la reaſō q̄ nul ē able ne de power et ne puit aū conuſaunce darmes porter auaunt que il ſoit dage of xxi. ans. Et pur taunt que le ſeigniour ne perdera c', q̄ de droit doit auer, & que la povver de la royalme de ryen ne ſoit enfeeble: La ley voet per cauſe de ſon tender age que le ſeig-

seignyour luy aũa en sa garde tarq; al plein age de luy cẽ assauoir xxi.ans.

Lord him shall haue in his ward till the full age of him, that is to say xxi. yeres.

Graund sericantie.

2 Tenir per graund sericantie, est sicome vn home tyent certaine terres ou tenements de roy dal' oue luy en son host, ou de porter sõ banner oue luy en ses guerres, ou amesñ sõ host, ou tyel sẽblable, et a c̃ appent gard mariage et reliefe, sicõe il appiert en la treatise de gards et reliefe enter lestatutes. 28. E. I.

To hold by graund serieanty is as if a man hold certain lands or tenementes of the king to go w̃ him in hys hoste, or to beare hys banner w̃ him in his warres, or to leade hys hoste, or such like, and there to belongeth warde mariage and reliefe, as it appereth in y̑ tretise of wards and relieses in the statute made the 28. of Edwarde the I.

Petit Sericantie.

3 Tenir per petit sericantie est sicome vn home tiẽt de roy terres ou tenements, rẽdaunt a luy vn cottel vn escue, vn sete, vn arke saunscorde, ou

¶ To hold by petit sericantie is as if a mã hold of the kinge lands or tenementes, yelding to him a knife, a buckler, an Arrowe, a Bowe without string, or other like

like seruice at the will of the firste feoffour, and there belõgeth not ward mariage ne relefe. And marke well that a man may not holde by graũd nor petit serieantie, but of the king.

auter seruice semblables, a la volunte le primer feoffour. Et la nappent garde mariage ne relief. Et not' que home ne puit tener per graunde serieanty, ne per petite serieãty, sinõ del roy.

Escuage.

¶To holde by escuage is by knight seruice, and there belongeth warde, mariage, and relief. And marke wel that a man may not holde by escuage, but that he hold by homage, for that escuage of common ryght dyweth to him homage, as it was iudged Termino H.21.E.3.cap.42.fol. 52. Auowrye 115. And note wel, that escuage is a certeine somme

4 Tenir per escuage est a tenir per seruice de chiualer. Et la appent garde, mariage, et relief. Et nota que home ne puit tenir p escuage, sinon que il teygne per homage, pur ceo que escuage de common droyte treit a luy hõage cõe il fuit aiuge in t' H.21. E.3.c.42.f 52. Auowrie 115. Et nota q̃ escuage est vne certein

sõm

ſomme de argent, et doit eſtr' leue p le ſñr de ſon tenant ſolonq̃ le quantitie de ſon tenure quãt le eſcuage courge p tout Engl'. Et ordeyne eſt p tout le counſel Dengleſ, qñt cheſc̃ tenãt doña a ſon ſeignior, et ceo eſt ꝑmẽt pur ſuſtener la guerre penter Engleſ're et ceux de eſcoce ou de Galeys, et nõ pas penter autrs terres, pur ceo q̃ les auauntdits terres ſerrount de droyt appendant a la royalme Dengleterre.

of money, and it ought to be leued by the Lord of hys tenaunt after the quantitie of his tenure, when eſcuage runneth by all Englande. And it is ordeined by al the coũſell of Englande howe much euery tenant ſhall geue to his lord, & that is ꝓperly for to maintein the warres betweene Englande, and them of Scotlande or of Wales, and not betweene other lands, for that, that thoſe forſayed landes ſhoulde bee of right belonginge to the Realme of Englande.

Homage aunceſtrel.

5 Tenir per homage aunceſtrel eſt lou ieo & mon aunceſtours ont tenus de vous et de voſtr' aunceſtours de temps dount me-

¶ To holde by homage aunceſtrel is where I or my aũceſtors haue holde of you & of your aunceſtors frõtime out of mind where-

whereof no mynde runneth, by homage, fealtye and certayne rent. And it is not to holde by knightes seruice, and there belõgeth not ward maryage, nor relyefe. And note well that homage maye bee sayed in two manners, that is to say, homage aunceſtrell, and homage de fayt. Homage aunceſtrell is there, where you or your aunceſtours haue holden of me and myne aunceſtors duringe the time of mans remẽbrance by homage, fealty, & rent. Homage de fayt is there where I enfeoffe your ſelfe, to hold of me by homage and rent, and in ſoe much that this homage beginneth by my deede, it is called homage de fait.

mory ne courge, p homage, fealty, & certein rent. Et neſt pas a tener per ſeruice de chiual', et la nappent garde, mariage, ne reliefe. Et nota q' homage puit eſte dyt in deux maners, ceſtaſcauoier, homage aunceſtrel, et homage de fait. Homage aunceſtrel eſt la ou vous & voſter aũceſtors ont tenus de moy et mes aũceſtors puis le tẽps de non memory, per homage, fealtye, & certeyne rent. Homage de fait ẽ la ou ieo enfeoffe vous ĩns, a tenir de moye per homage & rent, et entaunt que ceſt homage commence per mon fayt, il eſt homage de fait.

Et

Et nota que homage aunceſtrel treyt a luy vouch. ceſtaſcauoir garr' del aũceſt's, mes nõ pas homaged' fait.

And note wel ỳ homage aũceſtrel dꝛaweth to him voucher, ỳis to ſay, warrantie of aũceſtours, but not homage de fait.

Curteſie dengleterre.

6 Tenir per la curteſie Dengleterre eſt, a la ou vn hõe prẽt fẽe enherite, & ont iſſue fils ou file, & la feme deuy ſoit la iſſue mort ou en vie, le baron tiendra ceſt terre a terme de ſa vie per la curteſy Dengleterre, et per la ley. Et en cẽ caſe le fee & le droyt remaint in le perſone celuy de que il tient. Et pur ceo ceſt tenãt ne puit alyen en fee ne a termꝫ dauter vie, Et ſil face, byen liſt a ecluy en l'reũc' dent'

¶ To hold by the curteſy of Englande is, there a man taketh a wife inheritrix, and they haue iſſu a ſõne oꝛ daughter, and the wife dieth, whether ỳ iſſue be deade oꝛ a liue, ỳ huſbande ſhal hold this lãd foꝛ terme of his life by the curteſie of England, and by ỳ law. And in this caſe the fee, and the right remaineth in the perſon of hym of whome he holdeth. And foꝛ that this tenant may not alien in fee, noꝛ foꝛ terme of anothers lyfe, and if he doe, it is lawful to him in the reuerſion to enter.

Fee ſimple.

7 Tenir in fee ſim-

¶ To holde in fee ſim-

ple

ple is to holde to any man or woman, to him and to his heires, and to his assignes for euermore.

¶ To hold in free hold is to holde for terme of his own life, or for term of an other mannes life, And in this case the fee & the right remaineth in ỹ person of him, of whom he holdeth. And for that this tenãt may not alie ỹ fee nor for term of life: And if he doe, it is well lawful to him in whom the fee and the right abydeth to enter.

¶ To hold in dower, is where a man inherit taketh a wife and dieth, ỹ heire shal enter, and endowe the wife of ỹ third part of al that that was to her husbande in hys

ple est a tenir a ascun hõe ou feme, a luy et a ses heires et a ses assignñs pur touts iours.

Franke tenure.

8 Tenir en frank tenure est a teñ a terme de sa vie demesne, ou a terme de auter vie. Et en cest case le fee & le droit remaynt in la person celuy de q̃ il tient. Et pur ceo cel tenaunt ne puyt pas alien en fee ne a termñ de auter vie: Et sil face, bien list a celuy in q̃l le fee & le droyt demourt, dentrer.

Dower.

9 Tenure in dowver est, lou home inherite prent feme et deuie, lheire entra et endowera la femme de la tierce partie de tout ceo que fuit a s̃ ba-

ron en ſa vie, en fee ſimple ou fee taile, et el tyendra cels terres pur term' d' ſa vie cõe ſon franktenement.

life, in fée ſimple or fée taile, and ſhée ſhall holde theſe landes for terme of her life as her frée holde.

Termie dans.

10 Tenir a termẽ dans neſt forſq; chattel en effect, car nul actyon eſt mayntenable enũs l' termẽ quãt a recouerer de franktenement, car nul frãktenement eſt a luy. Leaſe a term' dans eſt chattel real, Et lauter chattel eſt perſonal, et toutes bñs mouables ſont chattels pſonals.

¶ To holde for terme of yeres is not but chatteli effect, for no action is mayntenable againſt ỹ termour, for the recouering of the frœhold, for no frœhold is in hym. A leaſe for terme of yeres is a chattel real, and the other chattel perſonall. & al gœdes which are mouable are chattelles perſonals.

Mortgage.

11 Tenir in morgage ẽ a teñ a cert' termẽ ſur condic', q̃ ſi le leſſour paia tants deñs a tyel iour, q̃ il puit enter, et ſinõ q̃ laut' eit fee ſimple ou fee tayle, ou franktenemẽt. Et en

¶ To holde in morgage is to hold for a certayne terme vpon condition, ỹ if the leſſour pay ſo much money at ſuch a day, that he may enter, and if not, that the other ſhall haue a fée ſimple or fée tayle, or frée holde. And in

euery

mery caſe where landes or tenements be gæuen to a manfor a certaine terme vpon condition of the part of the leſſor for to make ỹ leſſee to haue to more lõg time or terme, if the other do not as the condition is, the landes and tenementes vntyll the day that the condy- tion ſhould bee done, bee holden in morgage, as in a deade gage.

¶ And note well that if land be let to a man in morgage in fee ſimple or in fee taple vpon condi- tion, that if the firſt leſſour, as is before ſayd, pay ſo much money at ſuch a day that hee may enter, & if not, that the leſſee haue the ſame eſtate in the lands, that the leſ- ſour did him graunt at ỹ beginnynge. And if be- fore the day aſſigned,

cheſcun caſe lou ter- res ou tenements ſont dones a hõe a certeyn terme ſur condic' de part le leſſor pur faire le leſſee auoir pl⁹ lon- ge temps ou terme, ſi lauter ne face ſicõe la condic' ẽ, les terres et tenements tanque le iour q' la condic' ſer- roit fait, ſont tenus in morgage, quaſi in mortgage.

Et nota q̃ ſi terr' ſoit leſſe a vn hõe en mor- gage en fee ſimple, ou in fee taile ſur cõdic̃, q̃ ſi le primier leſſor cõe deuãt eſt dit, pay tãts des deñs a tiel iour q̃ il puit enter, et ſinõ q̃ le leſſee eyt in leſtate en les terres, que le leſſour luy graunt a- deprimes. Et ſi de- uant le iour aſſygne,

le leſſee ſoit diſſeiſi, il auera aſſiſe de nouel diſſeiſin. Et en caſe q̄ ſi le leſſee prent feme & deuie ſeiſie deuant le iour aſſigne, ſa feme ſerra endow.

Et nota que ſi le leſſour apres le mort le leſſee ne pay les deniers a l' iour aſſeſſe, adonques la feme tyendra ſa dower, et liſſue ſon heritage. Et en cas q̄ le leſſour a l' iour aſſeſſe paia les denyers al heire de le leſſee, donques il puit ouſter la femme, et le heire auxi de tout le terre primierm̄t leſſe. Et ſi vn home done terres a vn auter en le taile, rendant a luy certein rent per an, et vn enter pur faut de paym̄t, le donee prent

the leſſee be diſſeyſed, he ſhal haue aſſiſe of nouel diſſeiſin. And in caſe that if the leſſee take a wife & die ſeiſed before the day aſſigned, the womā ſhall bee endowed.

And note wel, that if ẏ leſſour after the death of the leſſee pay not the mony at ẏ day aſſigned, then ẏ woman ſhal hold her dower, and the iſſue her heritage. And in caſe the leſſour at ẏ day aſſigned pay the money to the heire of the leſſee, then he may put out the woman and the heire alſo, of all the lande firſt let. And if a man geeue landes to an other in the tail, yelding to him a certaine rent by the yeare, & one entre for defaut of paimēt, ẏ donee taketh

a wyfe

a wife and dieth seysed the woman shalbee indowed. And in case that after the rent be behind, the donour may enter & put out the woman and the heire also. And note well, that if landes bee let to a man in morgage in fee vppon condition, the lessee doth alien, the lessour shalbee charged to pay the money to the alienee, & not to the lessee as it is said.

feme & deuie seisie, la feme serra endovve. Et en cas q̄ aps le rēt soit aderere, le donor puit entre et ousta le feme & lheire auxy. Et nota q̄ si terres soient lesses a vn hōe en morgage en fee sur c̄tein conditiōs, l'lessee alien, le lessour serra charge d'paier les deniers al alienee et nō pas a son feoffee cōe il est dit. 17. Ass. 2.

Burgage.

¶ To holde in burgage is to holde as if the burgeis holde of the king, or of another Lord lands or tenementes, yeldinge rent to him a certain rent by yere, or els there where another man then burgeis holdeth of any Lord landes or tenementes

12 Tenir in burgage est a teñ si cōe les burgeis teygnent de roy ou de auter sñr terres ou tenementes rendant a luy vn certein rent per an, ou autrement la ou vn auter home que burgeis tient dascū seygniour terres ou tenementes

en burgage rendant a luy vn cert' rẽt p an.

Socage.

13 Tenir en ſocage ẽ a tenir daſcũ ſeigniour terres ou tenemẽts rẽdant a luy vn certeyn rent per an, pur touts maners des ſeruyces. Et nota que tenir per ſocage neſt pas tenir per ſeruice de chiual' ne la appent gard, mariage, ne relife, mes ils doubleront vn foites lour rent aps la mort lour aunceſter ſolonque ceo q̃ ſoleint paier a lour ſeignyour, et ils ne ſerrount ouſtre meſure greeues, cõe il appiert en la treatiſe de gardes et d' relieſes. Et nota que ſocage puit eſtre dit en trois maners, ceſtaſſauoir ſocage en franktenure, Socage en aũ-

in burgage yeldinge to him a certayne rent by yeare.

¶ To hold in ſocege, is to hold of any lord lands or tenements yelding to him a certaine rent by ỹ yeare for all maner ſeruices. And note wel that to hold by ſocage is not to hold by knightes ſeruice, nor there longeth ward, mariage, nor relieſe. But they ſhal double once their rent after the death of their auncetours accoʒding to that, ỹ they be wont to pay to their Lorde. And they ſhall not bee ouer meaſure greued, as it appereth in the treatyſe of wards and relieſes. And note well ỹ ſocage may bee ſayde in three maners, that is to ſay. Socage in free tenure,

Socage

Socage in auncient tenure, & Socage in base tenure. Socage in free tenure is to holde freely by certaine rent for all maner of seruices as is before sayd, and of that the next kins body shall haue the ward to whom the heritage may not discend, til the age of xiiij. yeares, that is to say, if the heritage come by the part of the father they of the parte of ỹ mother shal haue the ward, & cõtrary wise.

¶ And note wel that if the gardeine in socage do make wast he shall not bee pecked of wast, but hee shall yelde accompt to the heire when hee shall come to his full age of xxi. yeares, and loke the Statute of Marlebridge cap. xvij. for this

cient tenure, et socag' en base tenure. Socage en frank tenure est a tenir fraunchement per certein rent pur toutes manners des seruices come deuant est dit, & de ceo le procheine amye auera l' gard a que lheritage ne purra my descender tanque al age lheire de xiiij. ans cestassauoir si lheritage veign̄ p̄le part le pier, ceux de parte la mere aueront le gard & econtra. Et nota q̄ si gardeine en socage face wwaste il ne serra my empech de wwast mes rendra accompt al heire quant il vendra a pleyne age de xxj. ans. Et vide lestatute de Marlebridg capitulo xvij. pur cest

matter. Socage de auncient tenure ẽ ceo ou gents en auncyent demeſne tenoyẽt, que ne ſoilent auter brief auoir que le briefe de droit cloſe q̃ ſerr' termine ſecũdum conſ. manerij, & le mõſtrauerunt pur eux diſcharge quaunt lour ſeignior eux diſtreine pur faire auters ſeruices que faire ne duiſſent. Et ceſt bꝛ' de mõſtrauerunt doyt eſtre port enuers lour ſeigniour, et ceux tenants teignent touts per vn certeine ſeruice. Et ils ſont frãktenãts daũcien demeſne. Socage in baſe tenure eſt lou hõe tient en auncient demeſne que ne puyt auũ l' mõſtrauer' et pur ceo il eſt appel d' baſe tenure.

matter. Socage in auncẽt tenure is that where the people in auncẽt demeſne holde, whych vſe no other wꝛytte to haue then the wꝛitte of ryght cloſe which ſhalbe determined accoꝛding to the cuſtome of the mannour and the Monſtraucrunt foꝛ to diſcharge thẽ whẽ their Lorde diſtrayneth them foꝛ to do other ſeruice that they ought not to do. And thys wꝛit of Monſtrauerunt ought to be bꝛought againſt the lorꝺ, & thoſe tenants hold al by one certain ſeruice, & theſe bee fꝛee tenantes of auncient demeſne. Socage in baſe tenure is where a man holdeth in auncient demeſne, that may not haue the monſtrauerunt, and foꝛ that it is called ỹ baſe tenure.

To

¶To holde in fée ferme is to holde in fée simple yeldinge to the lorde the value, or at the least the fourth part by yere, and hée oughte to doe noe other thinge, but as it is cõteined in the feffemẽt, and hée that holdeth in fée ferme ought to doe fealty and not reliefe.

14 Tenir in fee fermꝫ est a tener en fee simple rend' a le sñr le value ou la moity ou al meins le iiij. part p an, et ne doit auter chose faire, mes sicõe est cõteign en le feffemt. Et q̃ tient en fee ferme doit faire fealty et nient reliefe.

Franke fee.

¶To holde in franke fée is to holde in fée simple landes pledable at the cõmon lawe.

15 Tenir en frãke fee est a tenir en fee simple terres pleadable a la comen ley.

Base fee.

¶To holde in fée base is to holde at the wil of the Lorde.

16 Tenir en fee base ẽ a teñ a la volũt le sñr.

Villenage.

¶To holde in pure bylenage, is to doe al that ỹ Lorde wyll him commaunde.

17 Tenir in pure villenage est a faire tout ẽ, que le seignior luy voit commaunder.

¶The definitiõ of villenage is villein of blonde, and of tenure, And it

La difinition de villenage est villeine de sãke, et d' tenure. Et il

est

eſt de que ſon ſñr prēt redempc'd' ſa file marier ou ſoy ñ enfrañchiſe, Et le ſeigñ puyt luy ouſter des terres ou teñts a ſa volūt, & auxi de toutes ſes bñs et chateaux. Et nota q̄ ſokman neſt pas pure villein, ne villein doit pas garde mariage ne reliefe ne faire aut' ſer uices reals. Et nota q̄ tenur'en villenage ne ferr' nul frāke hōe villein ſil ne ſoit cōtinue puis le temps de non memorie, ne villeyne terre ne ferra franke home villein, ne frāke terre ne ferra villeine franke, ſinon q̄ le tenant ſoit cōtinue frāchement puis le tēps de non memory, mes villein ferra franke t're villein per ſeiſin ou

is he of whome the Lord taketh redemptyon to mary his daughter, & to make him free, & it is he whom the lord may put out of his lāds and tenements at his wil, & alſoe of al his goods and cattel. And note wel ẏ a ſokmā is no pure villeine, nor a villeine oweth not ward mariage nor reliefe, nor to do any other ſeruices real. And note wel that the tenure in villenage ſhall make noo free man villeine, if it be not continued fith tyme oute of mynde, nor villayn land ſhal make no free manne villeine, nor free lande ſhall make noe villeine free, except that the tenāt haue contynued free fith the tyme of noe minde, but a villeine ſhal make free land villein by ſeyſin

or

or claime of ỹ lord. And note wel that if a villain purchase certaine land, & take a wife, & alien and dieth before the claime or seysin of ỹ lord, ỹ wife shalbee endowed. And note wel, ỹ in case that the lord bring a Precipe quod reddat against the alien the which voucheth to warraunt the issue of the villaine which is villeine to the Lorde, hee shal haue the voucher, & by protestation ỹ Lorde may say that (notwithstandinge that hee plede with his villeine) yet his villeine shall not bee enfraunchised. And note well that a bastarde shall never bee iudged villeyne, but by knowledge in court of recorde. And note well that if det be due by a Lord to a

p claime de son seign̄. Et nota que si villein purchase certein terre et prent feme et alien & deuie deuaunt le claime ou seysin de so̅ sñr, la fee serr' endow. Et nota q' en cest cas q' le sñr port Precipe quod reddat enuers lalien son villeyn le q̄l vouche a garrauntie le issue la villeine que est villein a la seign̄, il auera la vouche. Et p protestatiō le seignior puit sauer (que nō obstant que il pled' oue son villeine) vncor' so̅ villeine ne serra mye enfraunchise. Et nota que bastarde ne serra iammes aiudge villein sinon per conusance en court de recorde. Et nota que si det soit due per vn seniora

vn

vn home et il face ii. home ſes executours les queux ſount villeins al dit ſeignior et deuie, les villeins auerount action de dette enuers lour ſeignior, nient obſtaunt que il pled oueſque eux. Et ſil face proteſtatyon ils ne ſerront pur tant enfraunchiſe, pur ceo que ils ſount a recoū le dette auauntdit al vſe dune auter perſon, ceſtaſſauoir al vſe lour teſtatour et nyent a lour vſe demeſne. Et ſi le tenaunt in dovver eit vn villein le quel purchaſe certeyne terre en fee & puis le tenant en dovver enter, el auera la terre a luy & a ſes heirs a touts iours, & meſme la ley ē de te-

free man, and he maketh two men his executours the which bee villeynes to the ſayed Lorde and dyeth, the villeines ſhall haue an actyon of dette agaynſt their Lorde, notwythſtandinge that he plede with them. And if he make proteſtation they ſhall not bee for ſo much enfraunchiſed, for that that they be to recouer the dette aforeſaid to the vſe of an other perſon that is to ſay to the vſe of their teſtatour and not to their owne vſe. And if the tenāt in dower haue a villeine which purchaſeth certaine land in fee, and after the tenaunt in dower entreth, ſhee ſhal haue the land to her & to her heires for euer more, & the ſame lawe is of te-

naunt

naunt for terme of yeres of a villein.

And note wel that the Lorde may robbe his vil laine, bete and chastice at his wil, saue onely that he may not maime him, for then he shal haue appell of mayme agaynste him.

¶ And note well, that a villaine may haue iij. actions againste his lorde, ỹ is to say appel of death of his auncestour, appel of rape don to his wife, & appel of maime. And note well, if two parceners bring a writ of Ayde, & one of thẽ be nonsute, the nonsuite of hym shalbée iudged ỹ nonsuit of them both, soe that if the nonsuite be after apparance, they shalbée put oute from that actiõ for euer,

nant a terme dans dũ villeine.

Et nota q̃ le sr̃ puit robber sõ villein, naulfrer et chastiser a sa volũt, salue q̃ il ne puit luy mayhime, car dõques il auera appel de mayhime enuers luy.

Et nota q̃ villein puit auer iii. actions enuers son seignr̃, cestasauoir, appel de mort sõ auc', appel de rape fait a sa femme, et appell de mahim. Et nota si deux pceñs portent briefe de Neistie, et lun de eux soit nonsuy, le nonsuit de luy serra aiudge la nonsuyte de ambydeux, issint que si le nonsuyte soyt apres apparaunce, ils serrount oustes de cest actyon a toutes ioures,

car

car la ley eſt tiel in fauorem libertatis. Et nota ſi deux ount vn villeine in commen, & lun de eux face a luy vn manumiſſion, il ne ſerra my enfranchiſe enuers ábideux Et nota que en br' de Natiuo habendo, il couient que le ſeigñr monſtre coment il a-ueigna priuie de ſáke a celuy villein de que il eſt ſeignior &c. Et ſil, ne nul de ſes aunceſters ne ſoit ſeiſi de nul de ſon ſanke, il ne gaynera per ſon actiõ ſi le villeine nad pas conu en court de rec' Et nota que en briefe de Niefe ne purront eſte mys pluſoures nieſes que deux tant ſolement, & hoc introductum fuit prius

for the lawe is ſuch in fauour of liberty. And note well, if two haue a vylleine in comen, & one of them make to him a manumiſſion, he ſhal not be made frée againſt both. And note wel, that in a writ de Natiuo habendo, it behoueth that the lorde ſhewe howe hée cõmeth privy of the blode of the villeine of whome hée is Lorde &c. And if hée, nor none of hys aunceſtours were not ſeyſed of none of hys blod, he ſhall not wynne by his action, if ỳ villein haue not knowledged in court of record him ſelfe to bée his villein. And note wel, that in a writ of Nieſe may not be put more nieſes then ij. & this was firſt brought in in ỳ hatred of bon-

bondage. But in a writ de Libertate probanda, may bee put as manye nyeces as the plaintife will.

¶ And note well that if the vylleyne of a Lorde bee in auncien demeine of ỹ king, or other towne priuileged, within a yere and a day, the lorde may seise him, and if he dwel in the same towne or other place fraunchised by a yere and a daye without seisin of the Lord, he hath noe power to seyse him after, if hee goe not in estraie out of the forsaid fraunches.

¶ To hold in the taile is, where a man holdeth certaine lãds or tenements,

in odium seruitutis, Mes en briefe de Libertate probanda, purrount estre mis taunts nieces come le pl' voudra.

Et nota que si le niefe de seign̄ soit fue en auncient demesne de roy ou auter vill' priuilegie, deins lan & iour le seignior puit luy seyser, & sil demourt en la dit vil' ou lieu fraunchise per vne an & vne ioure sauns le seysin de son seygniour, il nad my povver de luy seyser apres, sil ne va en estray de hors le suisdit fraunchise.

Taile.

18 Tenir en le taile'ē lou hõe tient certeine terres ou tenementes

a luy

a luy et a ſes heires de ſon corps engendres. Et nota que ſi la terre ſoit dõe a vn hõe et a ſes heirs males, et il ad iſſu mal', il ad fee ſimple, et ceo fuit aiudge en le parliament noſt' ſeigniour le roy. Mes lou terres ou tenemẽts ſount dones a vn hõe & a ſes heirs males de ſon corps engendres, il ad fee taile, et liſſue female ne ſerr' my inherite, vt patet Anno xiiij. Edwardi tertij en vn Aſſ. 18. Edvvardi 3. 45.

to him and to his heires of hys body bꝛegotten. And note wel, that if ẏ land be gꝛeuen to a man and to his heires males, and hꝛe hath iſſue male, hꝛe hath fꝛe ſimple, and that was adiudged in ẏ parliament of our Lozd the kynge. But where landes oꝛ tenementes bꝛe gꝛeuen to a man and to his heirs males of his body begotten, then hꝛe hath fꝛe tayle, and the iſſue female ſhal not bꝛe enheritable, as it appeꝛeth the xiiii. yere of Edward the third in aſſiſe.

Taile apres poſſibilitie.

19 Tenir en le tail' apres poſſibilitie diſſue extinct eſt, lou terre eſt done a home et ſa femme et a les heires de lour ij. corps engẽdres, lũ d' eux ſuruiue

¶ To hold in the taile after poſſibilitie of iſſue extinct is, where lãd is geuẽ to a mã & to his wife & to the heires of their ii. bodyes ingendꝛed, and one of them ouerlyueth

the

the other wythout issue betweene them begotten, hee shall holde the lande for terme of hys owne life, as tenaunt in the taile after possibilitie of issue extinct. And not withstanding that he do waste, he shal neuer be impeched of that waste. And note that if hee alien, hee in the reuersion shal not haue a writte of entre in consimili casu. But hee may enter, and hys entre is lawfull per Robertum Thorpe chiefe Justice.

¶ To holde in frankemariage is to holde in the seconde tayle limit in the statute of Westminster secunde cap. 1. And the feoffour shal acquite ỳ feoffee of al maner of seruices vnto ỳ 5. degree be past, and ỳ feoffour

laut' sas issu entre eux issāt, il tiēdra sa terre a terme de sa vie dem cōe tenāt en le taile apres possibility dissue extinct. Et nō obstāt q̄ il fac̄ waste, il ne serra iamays empeche de cel waste. Et nota sil alie, celuy en la reūsiō naūa briefe dentre in consimili casu. Mes il puit ētrer, et so entre est congeable per Ro. Thorpe chiefe Iustice. 28. E. 3. 96. et 49. E. 3. 25.

Frankmariage.

20 Tenir en frāk mariage est a cesū en l' second tail' limit en lestatut de Westm. 2. ca. 1. Et le feoffour quitera l' feoffee d' touts mans des seruices tāque le quart degree soyt passe, et le feoffour

four ferra toutes les seruyces et suites durant la dyt terme. Et puis les heires le feoffee le ferrount, pur ceo que le priuitie de sanke est passe. Et sil soit distreine pur seruice, il auera briefe de mesn enuers luy supposaunt que il tyent les terres de luy, mes il nauera pas le fore iudgement sil ne soyt en auauntage de ses issues.

four shal do all the seruice and suites durynge ỹ sayde terme. And after the heires of the feoffée shall doe it, for that that the priuitie of bloud is passt. And if hée bée distrained for seruyce, hée shal haue a writ of Mesne against him supposing that he held the lands of him, but he shal not haue the forejudgement if it be not in aduauntage of his issues.

Et nota que apres le quart degree soyt pas il serra attendant des tants des seruices a le donour, come le donour est attendant al seignyour paramont. Et sil face felony pur quoy il est attaynt, le roy auer' sa terre pur terme de sa vie natu-

And note well, that after the fowerth degrée be passt, he shall bée attendaunt of as much seruice to the donour, as the donour is attendant to the Lord paramount. And if hée do felony for which he is attaint, the king shal haue his lands for terme of his life natural

turall. And after hys death, hys issue shal inherite, as by force of the tayle. And in this case, none shall haue hys lands by way of eschete, no more then in any other taile. And in case that the tenant die without heire of hys body begotten, the lande shall reuert to the donour as it shoulde in the common tayle. And if a manne let his land to another in franke marriage yeldynge to hym a certayne rent by yeare, hee shall hold this land in the common tayle, and not in frankemariage for by the rent reserued, these wordes (in liberum maritagium) bee al vtterly voyd, so that ỹ tenure shalbee intended

ral. Et apres sa mort, son issu serra inherite come per force de la tayle. Et en ceste case, nul auera sa terre per voye deschete, nyent pluis q̃ en auter tayle. Et en case que le tenant deuie sans heyre de son corps engendres, la terre reuerterra a le donour, come serroit en le commen taile. Et si home lessa sa terre a vn auter en franke maryage, rendaunt a luy vn c̃tayn rent per an, il tiendra ceste terre en le commen taile, & nient en franke maryage, car per le rent reserue, (in libe-rum maritagium) sõt tout oustrement voides, issynt que la tenure serra entendus

ſolonq̄ la tenur' en le comen taile.

Et nota que le done en frank maryage ad condytion annexe a luy non obſtant que il neſt pas expreſſemēt declare en la charter del done, vt patet per ſtatutū weſtm̄ ſecōd, cap. 1. de Donis conditionalibus.

Et nota q̄ home ne donera pas terres ou tenements en franke mariage, forſque lou la feme eſt pryuie de ſanke a le donoure. Car autermēt naueroit home ne fée aſcú eſtate p tiel feoffemēt forſq̄ a terme de vie.

after the tenure in the common taile.

And note wel that the gift in franke mariage hath a condition annexed to it, notwithſtanding that it be not openly declared in the dēede of the gift as it appereth by the ſtatut of weſtm̄ ſecond, ca. primo, de Donis cōdicionalibus.

And note wel that a manne ſhall not gēue landes nor tenementes in frankemariage, but where the womanne is pryuie of bloud to the donour, for elſe the manne nor the womā ſhal haue no other eſtate by the feoffement but for term of life.

Frankalmoigne.

21 Tenir en frāk almoigñ eſt a tenir terres ou tenemēts pur dieu ſeruir et ſaint eſ-

To holde in franke almoigne is to holde landes or tenements for to ſerue Godde and holye

Church

Church to endow with-
out doynge any other
manner of seruice. And
note well that in thys
case the donor is meine,
and ought to acquite him
frely against the chefe
Lorde, and also they
that holde in frankeal-
moigne shall doe no fe-
altie, but they that hold
in franke mariage, shall
do fealtie.

glise dower sans faire
ascũ auter manner de
seruice. Et nota que
en cest cas le donour
est meine & luy doit
acquiter franchemẽt
enuers le chyefe seig-
niour, & auxi ceux q̃
teygnont en frankal-
moigne ne ferroyent
fealtie, mes ceux que
teignont en frákma-
riage, ferront fealtie.

Elegit.

To hold by Elegit is
where a manne hath re-
couered debt or dam-
mage by a writ against
another or by confes-
syon or in other man-
ner, hee shal haue with-
in the yere against hym
a writte Iudicial called
Elegit to haue execution
of the halfe of al his lãds
and cattels, (except oxen
and beestes of the plowe)

22 Tenir per Elegit ẽ
lou home ad recouer
det ou damage p̃ br'e
deuers vn auter, ou p̃
conusanc' ou in auter
maner, il auera deyns
le an deuers luy vn
briefe iudicial nosme
Elegit, dauer execu-
tion del moytye de
toutes ses terres &
chat' (excepts boefes,
et affers a sa carues)

Dd.iij. tan-

tanque le det ou les
daīn ſoient ouſtremēt
leues ou payes a luy,
& duraunt ceſt terme
il eſt tenāt per Elegit.
Et nota ſil ſoyt ouſte
devns le terme il aūa
aſſiſe d' nouel diſſeiſin
& apres vn rediſſeiſin
ſi beſoignī ſoit, & ceſt
dōe per leſtat' d' W.
2.cap.18.et auxy per
lequitie de meſme leſ-
tatute celuy q̄ ad ſon
eſtate ſil ſoit ouſte a-
uer' aſſiſe et rediſſeiſin
ſi beſoignīſoit. Et auxi
ſil face ſes executours
& deuye, et ſes exe-
cutoures entrount &
puys ſoyent ouſtes, ils
auerount per lequitie
de meſme leſtatut ac-
tyon come luy meſ-
me ſuiſdit, mes ſil ſoyt
ouſte et puis face ſes
executours & deuye,

tyll the debt or damma-
ges bee vtterly leuied or
payed to him, & duringe
the terme hee is tenant
by Elegit. And note wel
if hee bee put out with-
in ỹ terme he ſhall haue
aſſyſe of nouell diſſey-
ſin, and after a rediſſei-
ſin if nede be, and thys
is geeuen by the ſtatut of
Weſtminſter 2.ca.18.
and alſo by the equity of
the ſame ſtatute, he that
hath his eſtate if hee bee
put out ſhall haue aſſiſe
and a rediſſeiſin if nede
be, and alſo if hee make
his executours and dye,
and his executours en-
ter and after be put out,
they ſhall haue by the e-
quity of the ſame ſtatute
ſuch action as hee hym
ſelfe before ſaid, but if he
be put out, & after make
hys executours and dye,

his

his executours may enter, and if they be stopped of their entre, they shall haue a writte of tresp̃as vpon their matter and case.

ses executoures purront entrer & sils soient estoppes de lour entre ils aueront vn bryefe de tresp̃as sur lour matter & case.

And note well if hée do wast in al the lande or parcell, the other shall haue against him immediatly a writte Judicyall out of the first recorde called a venire facias ad computandū, by which it shalbée inquired if hée haue leuied all the money or parcel, and if he haue not leuied thē money, then it shalbe inquired to how much the wast amounteth, and if the wast amount but to parcel, then asmuch of ỹ mony, as ỹ wast amoūteth shalbée abridged of

Et nota sil face wast en tout la terre, ou en parcel, lauter auera enuers luy mayntenaunt vn briefe iudicial hors de la prymer recorde nosme venire facias ad computandum, per force de quel serra enquyse sil ad leue toutes les deniers ou parcel, & sil nad leue les denyers, donques serr' enquise a quaunt le vvaste amount, Et si le waste amoūt sinō a parcel, donques tauntes des denyers que le vvast amoūt serra abridge de

les ſuiſdits deñs q̃ux ꝑ ſoꝛeſaid money which
fuer' eſtre leues. Mes was to be leuied. But if
ſil ad fait pluys waſte he haue done moꝛe waſt
q̃ le auauntdyt ſõme then the foꝛeſaid ſumme
dargent q' fuit a eſtre of money which was to
leue amount, lauter be leuied amounteth, the
ſerra diſcharge main- other ſhall bee diſchar-
tenaunt de toutes les ged by and by of all the
deniers ſuiſuits et re- ſaid money, and ſhal re-
couera ſa terre. Et couer the land, and foꝛ
pur la ſuperfluitie de the ſuperfluity of ꝑ waſt
waſte fait ouſter ceo made aboue that that a-
que amount a le dyt mounteth to the ſayde
ſumme il recouera ſes ſumme, hee ſhal recouer
dammages ſingles, et his dãmages ſingle, and
meſme la ley eſt de the ſame lawe is of hys
ſes executõrs, et auxy executours, & alſo of him
de ceſtuy que ad ſon that hath his eſtate. And
eſtate, Et nota ſil aliẽ note that if hee alien in
en fee, ou a terme de fee oꝛ foꝛ terme of life, oꝛ
vie, ou en le taile, tout in tayle all oꝛ parcell of
la terre ou parcel d' la the lãd which he holdeth
terre que il tient per by Elegit, if ꝑ alienation
Elegit, ſi le alienatiõ hee made within the terme
ſoit fait deins le terme oꝛ after, hee which hath
ou aꝑs, ceſtuy que ad right ſhall haue againſt hi
droit auera vers luy one

one assise of nouel disseisine. And they both must be put in the assise the alienor and the alienée, and notwythstandinge that the alienour die pr̃sẽtly, yet he which hath right shal haue an assise against the alienée alone as if the alienour had bene a playne tenant for terme of yres, and that is by the equitie of the statut of W.2. cap. 25. for that that he hath not but a chattel in effect, and the same law is of his executours and of him which hath hys estate as is aforesaid.

And note wel that in an Elegit, if the shirife retorne ỹ he had nothinge ỹ day of the reconusance made, but ỹ he purchased lands after the tyme, then the partye plaintife

vn assise de nouel disseisin. Et couiẽt q' ils soiẽt mise en lass. ambideux, auxibñ le alienee cõe le alienour et nõ obstãt que lalieñ deuie maintenant vncore cestuy q'ad droit aũa vers lalienee sole ass. cõe sil vst estr' son simple t'a termñ dans, Et ceo est per lequity del statute de Westminster 2. ca. 25. pur ceo que il nad sinon chatel en effect, et ñ la ley est de ses execut' & de cestuy q' ad son estate cõe est suisdit.

Et nota que en Elegit, si le vicont retorñ que il auoit ryen iour de la reconisance fait, mes que il purchase terre puis le temps, adonques la partye pl' auera

auera nouel brief daũ execution de ceo, mes me la ley est dun estatute merchaunt. Et nota que apres le fieri facas vn home puit auer le Elegit, mes non econtra, entaunt que le Elegyt est de pluis haut nature que le fieri facias. Et nota que si home recoũ per briefe d'det, et sue vn fieri facias & le vicont retourne que le party nad riens dont il puit faire gree a la party, donqs le plaintife auera vne Elegyt ou vn capias sicut alias & pluries. Et si le vicount retourne a le capias mytto vobis corpus & il nad riens dont il puit faire gre a la pty, il serra maunde al gayle de Fleete, &

shal haue a newe writte execution thereof, the same lawe is of a statute merchaunt. And note wel that after a fieri facias a mã may haue the Elegit, but not contrary wise, for soe much ỹ the Elegit is of more higher nature thẽ the fieri facias. And note wel that if a man recouer by a writte of debt and sueth a fieri facias, and the shirife retourne that the party hath nothig where of hee maye make grée with the party, then the plaintife shal haue a capias sicut alias, and a pluries, and if the shirife retourne at the capias mitto vobis corpus, and hée haue nothinge whereof hée may make grée to ỹ party, he shalbée sent to the prison of the Fléet, &

there

there shal abide tyll hée haue made agrement wt the party, & if ỳ shirife returne non est inuentus then there shall goe forth an erigent against hym. And note wel ỳ in a writ of debt brought against a personne of holy church, which hath nothinge of lay fée, & ỳ shirife retourneth, ỳ he hath nought by which he may be summoned, then shall the plaintife sue a writ to the Bishop that hée make hys clerke to come, and the bishop shal make hym to come by sequestration of ỳ church. And note wel, ỳ if a man bringe a writ of debt & recouer, & make his executors & dieth, they shal haue execution not wtstanding ỳ it be within ỳ yere by a fieri facias.

illonc̃ demourra tanque il ad fait gree al pty, et si le vic̃ retorne non est inuentus, adõques ps issera lexigent enũs luy. Et nota q̃ en br̃ de dette port deuers psõ de saynt esglise, q̃ nad rien de lay fee, & le vicount returne que il nad riens p que il puit estr̃ somõ, adonques suera le plaintife brief al Eueſque que il face venir son clerk & leueſque luy ferra venir per sequestratiõ del esglise. Et nota q̃ si hõe port br̃ de det & rec̃, & face ses executt̃ & deuie, ils auerount execution non obstaunt que il soyt deins lan per vn fieri facias.

¶ To holde by Statute merchant.

23 Tenir per lestatut mer-

merchant eſt lou hõe conuſt a paier certain denyers a vn auter a certaine iour deuaunt le maire, baylliye, ou aut'gardein daſc'ville q̃ ad poiar de faire execuc' de m̃ leſtat', & ſi l'obligee ne paia l'det a le iour aſſes & rien de ſes bñs, terr', ou tenemẽts ne purrõt eſtre troues deins la garde le maire ou gardeyne auantdyt, mes en auters lieus dehors, dõques le reconiſee ſuer' le reconiſance & obligation oue vn certification al chauncery deſouth le ſeale le Roy, & il auera hors de la chañc' vn capias al vic' de q̃l cõũty il ẽ de luy app̃nd' et metter en priſõ ſil ne ſoit clerke tanq; il ad fait gree de la dette. Et

merchaunt, is where a man knowlegeth to pay certayne money to another at a certaine day before the maior, bailife, or other warde̅ of any town ẏ hath power to make execution of the ſame ſtatute, & if ẏ obligée pay not ẏ debt at ẏ day, & nothing of his goods, lands, or tenementes may be found within the warde of the maior or warden béefore ſated, but in other places without, thẽ ẏ recoñiſée ſhal ſue the reconiſaunce & obligatiõ wt a certification to the chauncery vnder the kinges ſeale, & he ſhal haue out of the chañcery a capias to ẏ ſhirife of ẏ coũty where he is to take him & to put hym in priſon, if hée bée not a clarke, til hée haue made gréement of ẏ debt. And

one

one quarter of the yere af-
ter that, that hee shalbee
taken, hee shall haue his
land deliuered to himselfe
to make gree to ỹ party
of the debt, & he may sell
while he is in pr̃ison, and
his sale shalbe good & law
ful. And if he do not gree
wtin a quarter of a yere,
or if it be retourned that
he be not foũd, then ỹ re-
conisee may haue a writ
of the chauncery which
is called Extendi facias,
direct to al shirifs, where
hee hath landes, to ex-
tende hys landes and
goods, & to deliuer ỹ goods
to him, and to seise him
in hys landes, to holde
them to him and to hys
heires and his assignes,
til that the debts be leui-
ed or payed, and for that
tyme hee is tenaunt by

vn quart' de la aps c̃ q̃
il serra pris, il auera sa
terre liuere a luy mes-
me pur faire gree a
le party de dette. Et
il puit vender tanque
il est enprison, & sa
vende serra bone &
loyal. Et sil ne face
gree deins le quarter
dun an, ou si soit re-
turne que il nẽ troue,
& sil ne soit clerke, a-
donques le reconisee
puit auer briefe de la
chauncery queest ap-
pelle Extendi facias,
direct al touts vic'lou
il ad t're dextender
ses terres et biẽs, et ses
bñs a luy deliũ, et luy
seiser en ses terres, pur
les tenir a luy et a ses
heires et a ses assignes
tanque le dette soyt
leue ou pay, & per cel
temps il est tenaunt p

statut

ſtatute merchant. Et nota que en leſtatute merchant, le reconiſee auera execution de toutes les terres que le reconyſour auoyt iour de la reconiſaunce fayt, et vnquespuis per force de meſme leſtatute.

Et nota que quaunt aſcũ waſt ou deſtruction eſt fait p̄ le reconiſee, ſes execut's, ou p̄ celuy qui ad ſon eſtate, le reconyſour & ſes executours auerõt meſme la ley coñ eſt ſuiſdit de le tenaunt p̄ Elegit.

Et nota ſi tenaunt per leſtatut merchant tient ouſter ſõ terme, celui qui ad droit puit ſuer enuers luy venire facias ad computandum, ou entrer tã-

ſtatut merchaunt. And note wel, that in a ſtatute merchaunt the reconiſee ſhall haue execution of al the landes which the reconiſour hadde the daye of the reconiſaunce made, and any tyme after, by force of the ſame eſtatute. And note well, that whon any waſte or deſtruction is made by the reconiſee, his executors, or by him that hath eſtate, the reconiſour or his executours ſhal haue the ſame lawe as is beforeſayd of the tenant by Elegit.

And note wel, if the tenaunt by ſtatut merchaunt holde ouer hys terme, he that hath right maye ſue againſt him a venire facias ad computandum, or els enter by

by

by as vppon tenaunt by Elegit.

¶There be thꝛee maner of rents, that is to saye, rent seruice, rent charge and rent secke. Rent seruice is, where a manne holdeth of an other by fealtie, and for to doe suit to his court, and yelding to him a certaine rent by the yere for all manner of seruices.

¶And note wel, that if the Lorde be seised of the seruice & rent beforesaid & they be behinde, and he distraine, and the tenant rescue the dystresse, he may haue Assyse, or a writte of rescous, but it is more necessarye for hym to haue assyse then a writ of rescous, for that by assise he shal recouer his rent & his damages

tost vt sur tenant per Elegit.

Trois mañs de rents y sount, cestassauoyr rẽt seruic̃, rẽt charge, & rent secke. Rent seruic̃ est lou vn hõe tyent dun auter p fealtie, & pur faire suite a sa court, & rendant a luy vn certaine rent per an pur touts maners des seruices. Et nota, que si le seignyour soyt seisie des seruices & rent auauntdits, & ils soyent aderere, et il distreiñ, et le tenṫ rescue le distres, il puit auer assise, ou brief de Rescos. Mes il est pluis necessarye pur luy auer assyse que bryefe de Rescous, pur tãt que per Assise il recouera son rent & ses damages,

mes

mes per ceſt briefe de Reſcous, il ne recoue-ra mes les repriſes & les dam̃. Et nota que ſi le ſeigniour ne ſoit my ſeyſie del rent & ſeruice, & ils ſount a-derere, & il diſtreyne pur eux, et le tenaunt reprent la diſtreſſe, il ne puyt myes auer aſ-ſiſe, mes briefe dereſ-do^y, et ne couiēt mai ſeigniour de mr̃ ſon droit. Et nota que ſi lē ſñr diſtreine ſon te-naunt en ſocage pur ſeruice de chiual q̄ il ſuppoſe eſtre tenus d' luy, & auovve pur meſm̃s les ſeruices en court de recorde, il ſerra charge per tiels ſeruices, per Fynch. termino Hillarij Añ xlvi.

but by a writte of Reſcous, hee ſhall not re-couer but the thynge and the daunmages. ¶ And note well that if my ſeyſie of the rent and ſeruyce and they bee behynde, and hee diſtrayne for them, and the tenaunt take againe the diſtreſſe, hee ſhall not haue aſſiſe but a writte of Reſ-cous, and ſhal not make to ſhewe hys right. And note well that if the Lord diſtreine his tenaunt in ſocage for knights ſeruice whiche is not denyed him, & auowe for ỹ ſame ſeruice in court of record, he ſhalbe charged by the ſame ſeruice by Fynch termino Hillarij Anno xlvi.

Et nota que ſi lē

And note well ỹ if the

lord

Lord may not find a distresse by two yeare, hee shal haue against the tenaunt a writte of Cessaut per biennium as it appereth by the statute of Westm.2.ca.21. And if the tenant dye in the meane time and his issue enter, the Lord shal haue against the issue a writ of entre vpō ỹ Cessaut, or if the tenaunt alien, ỹ lord shall haue against the alienee the foresayd writte. But if the Lorde haue issue and dye, and the tenaunt bee in arrerages of the sayde rent and seruice in the time of the father of the issue, & not in the time of the issue, he may not distrain for ỹ arrerages in ỹ time of his father, and hee shal haue none other reco-

seignior ne puit my trouer dystresse per deux ans, il auera vers le tenaunt bryefe de Cessauit per bienni-um, vt patet per lesta-tut de westm. 2. cap. 21. Et si le tenant de-uie en le meane tẽps & son issue entre, le seignyour auera vers lissu briefe dentre sur Cessauit, ou si le te-naunt alien, le seigni-our aũa vers lalyenee lauantdit briefe. Mes si le seignior ad issue et deuie, et le tenaunt soyt en arrerage de dyt rent & seruyces de le temps le pyer del issue & nemy en temps del issue, il ne puyt mye dystreyne pur arrerages en tẽps son pyer, & il naue-ra aseun auter reco-

uere vers le tenaūt ou aſcun auter, pur ceo q̄ tiel aduantage eſt done pur le ley al tenāt. Et nota q̄ rent ſeruice eſt, a quel appent fealtie, mes a rēt charge & rent ſecke ne appent pas fealtie mes il appent a rent ſeruice de commen droit.

Rent charge.

2 ℣ Rent charge ē lou home graūt certeyne rent iſſant de ſes teres ou tenemēts a vn auter en fee ſimpl' ou in fee taile, ou a terme de vie p̄ fayt ſur condic', q̄ a q̄l heure q̄ le rent ſoit aderere, bien lirra a le grauntee ou a ſes heirs ou aſſignes a diſtreiñ en ms les t'res ou tenements.

Et nota que ſi le rēt

couery againſt the tenaunt or any other, for that that ſuch aduantage is geeuen by the lawe to the tenaunt. And note well that rent ſeruice is that to the which belongeth fealtie, but to rent charge & rent ſeck belongeth not fealtie, but it belongeth to rēt ſeruyce of common right.

Rent charge is where a man graūteth certaine rent going out of hys lands or tenemēts to another in fee ſimple, or in fee taile, or for terme of life by deede vpō condition, ỹ at what time the rent bee behinde, it ſhall bee wel & lawefull to the grauntee to hys heires or aſſygnes or diſtrayne in the ſame lāds or tenementes. And note wel, that if the rent

bee

be behind, it is wel lawful to the grauntee at his election to haue a writte of annuity, or els he may distraine, and if the distresse bee taken agaynst his will from him, and he was neuer seised bee fore, he hath noe recouery, but by writ of Rescous, for ỹ distresse first taken, geueth not to him seysin, onely if hee hap the rent before, for if he were seysed of the rent before, and after the rent bee behind and hee distraine, & rescous to hym bee made, hee shall haue assise, or a writte of rescous.

soit aderere, bñ list a le grauntee p election dauer briefe dãnuitie, ou il puit distreyner, & si la distres soit rescue de luy, & il ne fuit mye seysie aduaunt, il nad mye recouere forsque per brief de Rescous, car la distresse primierm̃t fayt, ne done a luy seisin, forsq̃ sil happe le rent adeuaunt, car sil fuit seysie del rent adeuaunt, & puis le rent soit aderere, & il distreine, & rescous a luy soyt fayt, il auera assise ou brief d' Rescous.

And note wel, that in euery assise of rẽt charge and annuell rent, or in a writte of annuitie, it behoueth to him that bringeth the writte

Et nota q̃ en chescũ assise de rẽt charge & dannuel rent, & en bryefe de Annuitye, couyent a celuy que port le briefe

de monſtre auaunt
eſpecialtie, ou autér-
ment il ne mayntey-
nera aſſ. mes en mort-
dauncestour ou For-
medon en la deſcen-
der, et auters bryefes
(en les queux title eſt
dõe ou cõpris) port de
rẽt charge, ou dãuel
rent, neſt my beſoygñ
de mõſtre eſpecialtie.
Et nota q̃ ſi hõe grãt
rent charge a vn au-
ter, et le graũtee pur-
chaſe le moytie de la
terre doũt le rent eſt
iſſant, tout le rent eſt
extinct. Et ſi le grãtee
releſſe a le grauntour
pcel de le rent, vncor'
tout le rẽt nẽ extinct.
Mes en rent ſeruice,
le ley eſt autermt, car
non obſtant q̃ le ſñr
ad la moitie purchaſe
de la terre, dount le

to ſhewe forth an eſpe-
cialty, or els he ſhall not
maintaine the aſſiſe, but
in a Mordaunceſtour or
formedon in the diſcen-
der or other writs (in the
which title is geuen or
compriſed) brought of
rent charge, or annuell
rent, it nedeth not to
ſhewe eſpecialtie.

And note well that if
a mã graũt a rẽt charge
to an other, & ỹ grauntee
purchaſe the halfe of the
land whereof the rent is
going out, all the rent is
extinct, and if the graun-
tee releaſe to the graun-
tour parcell of the rent,
yet al the rent is not ex-
tinct. But in rẽt ſeruice
the lawe is otherwyſe,
for notwithſtandinge ỹ
ỹ Lorde hath purchaſed
ỹ halfe of ỹ lãd wherof ỹ
rent

rent is going out, yet ỹ rent eſt iſſant, vnc̃le
rent is not extinct, but rent neſt pas extinct
for the halfe, & the cauſe forſque a le moitie, et
of the diuerſity is that la cauſe de diuerſitie
rent ſeruice may bee ſe- eſt pur ceo que rent
uered to one portion, but ſeruice puit eſtre ſe-
not rent charge. uere a vn portiõ, mes
And note wel that if nemy rent charge.
rent charge be graunted Et nota q̃ ſi rẽt charg
to two ioyntly, and the ſoyt grãt a deux ioint-
one releaſe, yet the other ment, et lun releaſe,
ſhall haue the halfe of vncore lauter auera
the rent. And alſo if la moitie del rent. Et
one purchaſe the halfe auxy ſi lun purchaſe
of the lande whereof le moytie de la terre
the rent is goyng out, dont le rent eſt iſſant,
the other ſhall haue the lauter auera le moitie
halfe of the rent of hys del rent de ſon com-
companion: And if the paignion. Et ſi le diſ-
diſſeyſour charge ỹ land ſeyſor charge la terre
to a ſtraunger, and the a vn eſtraunge, & le
diſſeiſie bringe an aſſiſe diſſeiſie port laſſiſe &
and recouer, the charge recouer, le charge eſt
is defeated. But if hee defeate. Mes ſi celuy
that hath right, charge qui ad droyt, charge
the lande, and a ſtraun- la tre, et vn eſtraũge
ger faine a falſe action fayne yn faux actyon

enuers luy que nad droit et recouera per def. le charge demurra. Et nota que en cas que vn purpartie ſoit parenter deux parceners et pluis terre ſoit allot a lun, que a lauter, et celuy que ad pluis de terre charge ſa terre a lauter, & el happe le rent, el mainteinera aſſiſe ſãs eſpecialtie. Et ſi le graũtee lauoyt en fee ſimple, ou en fee tayle, & ad iſſue & deuie, ſi lyſſue port vn formedõ, ou aſſiſe de mortdaunceſter, il ne ſerra iammes charge de mõſtre eſpecialtie.

Rent ſecke.

26 Rent ſecke eſt lou hõe tient de moy per homñ, fealtie, et auters ſeruic', rẽdãt a moi vn

againſt him & recouer by defaut, the charge abydeth. And note wel, that in caſe that purparty bée betweene two parceners and more land bée allotted to one then to the other, and ſhée that hath more of the lande, chargeth her land to the other and ſhée happeth the rent, ſhée ſhal mainteyne aſſyſe without eſpecialty. And if ỹ graũtée haue in fée ſimple or in fée tayle, and hath iſſue and dieth, if the iſſue bringe a formedon, or aſſiſe of mordaunceſter, hée ſhall neuer bée charged to ſhewe an eſpecialty.

Rent ſecke is where a man holdeth of me by homage fealty & other ſeruice, yeldyng to mée a certaine

certaine rent by ỹ yere and I graunt this rent to another, reseruinge to mee the seruice.

certain rent per an, et ieo graunt ceſt rent a vn auter reſeruaunt a moy le ſeruice.

And note wel that in rent seck if a man be seised of the rent, and the rent bee behind, hee may not dystrayne, but hee shall haue assise of nouel dysseisin.

Et nota que en rent ſecke ſi hõe ſoit ſeyſie del rent, & le rẽt ſoyt aderere, il ne puit my diſtreine mes il auera Aſſyſe de nouel dyſſeyſin.

And note well that if rent secke be graunted to a manne and to hys heires, and the rent bee behind, and the grauntour dye, the heire may not distrayne, nor shal recouer the arrerages of the tyme of his father, as it is before said of rẽt seruice.

Et nota que ſi rent ſeck ſoit graunt a vn home et a ſes heires, et le rent ſoit aderere & le graũtor deuie, lheir ne purra mye diſtreiner, ne recouera les arrerages de temps ſon pyer, ſicome eſt auantdit de rent ſeruice.

And in the same maner it is to say of rent charge, or annuel rent. But in al these rentes

Et en meſme l'mañ ê adire en rẽt charge ou annuel rent. Mes en toutes les rentes

auantdits lheire purr' auer pur arrerages en ſon temps demeſn̄ tiel auauntage come auoyt ſō pier en ſa vie. Vide ſtatut' 32.H.8. 37.

Et nota que in rent ſeck ſi hōe ne ſoit ſeyſie del rent, & il ſoyt aderere, il eſt ſans recouere, pur ceo que il fuit ſa folye demeſne adeprymes quaunt le rent fuiſt graūt a luy ou reſerue, que il ne priſt my ſeiſin del rēt ſicome vn denyer ou deux. Et nota q̄ hom̄ ne puit my auer Ceſſauit per bienniū, ou auter briefe dētre ſur ceſſauit pur nul rent ſeck aderere p ij. ans, mes ils purrount tout ſolement pur rēt ſeruice vt patet in ſtat', W.2.cap.21.

before ſaid the heire may haue for the arrerages in his owne time ſuch auauntage as hys father had in his life.

And note well that in rent ſecke if a manne bee not ſeyſed of the rent, and it bee behind, hee is without recouery, for that that it was his owne folly at the beginning when the rent was graunted to hym, or reſerued, that hee toke not ſeyſin of the rent as a peny or two pence. And note well that a manne may not haue a Ceſſauit p bienium or another writte of entre ſur Ceſſauit for no rent ſecke beehynd by ij. yeares, but onely for rent ſeruice, as it appeareth in the ſtatute.

And

¶ And note well that in rẽt ſecke it behoueth him that ſueth for ỹ rent ſeck for to ſhewe a dẽde to ỹ tenaunt, or els the tenãt ſhal not be charged with the rent, but where the rent ſecke was rent ſeruice before, as in thys caſe, lord, meſne, and tenaunt, and eucrie of thẽ holdeth of other by homage and fealtie, and the tenant of the meſne x. s. of rent, the lorde paramoũt purchaſeth ỹ lands or tenementes of the tenaunt, all the ſeignorye of the meſne but the rent is extinct. And for this cauſe thys rent is bẽcome rent ſecke, and the rent ſeruyce chaunged, for hẽ maye not dyſtrayne for thys rent, and in this caſe hẽ that

Et nota q'en rẽt ſecke il couient pur luy q' ſue pur le rent ſecke pur mõſtre fait al tenant, ou autermt le t' ne ſerra mye charge del rent forſq; lou le rent ſecke fuyſt rent ſeruice adeuaunt, cõe en ceſt caſe, ſeignior, meſne, & tenaunt, & cheſcun deux tyent dauter per homage et fealty. et le t' del meſne x. s. de rent, le ſeignioũr paramont purchaſe les terres ou tenementes de le tenaunt, tout le ſeignorye del meſne, forſpris le rẽt eſt extinct. Et pur ceſt cauſe ceſt rent ẽ deuenq rẽt ſeck et le rẽt ſeruice chãge car il ne puyt dyſtreiñ pur ceſt rent. Et en ceſt caſe celuy que de-

demaunde le rent ne
ſerra iāmes charge de
monſtre fait. Auxi en
briefe dē mortdaūce-
ſter ayell ne beſayle
de rent ſecke il ne be-
ſoigne monſtre eſpe-
cialtie pur ē que ceux
briefes de poſſeſſion
comprehendont vne
title deins eux meſms,
ceſt aſſauoir que launē
fuit ſeiſie de meſme le
rent & continua ſa
poſſeſſion per cauſe d'
quel ſeiſine le ley ſup-
poſe que eſt auxi auer-
rable per pais, tamen
quere, car aſeuns ſup-
poſont que il couient
a fine force a mōſtrer
auaunt fait, pur ceo q'
rent ſeck ē vne choſe
enconter comē droit
auxibyen come rent
charge, mes en Aſſiſe
de nouel diſſeiſine et

demaundethe the rent
ſhal neuer be charged to
ſhewe a dēdo. Alſo in a
writte of mordaunceſ-
tour, ayel, or beſayle,
of rent ſecke it nedeth
not to ſhewe a ſpecyal-
tie for that theſe writtes
of poſſeſſion doe compre-
hende a tytle wythin
thē ſelues, that is to ſay,
that the auncestour was
ſeyſed of the ſame rent
and continued hys poſ-
ſeſſion, by cauſe of which
ſeyſine the lawe ſuppo-
ſeth that it is alſoe auer-
rable by the countreye,
yet learne, for ſome ſup-
poſe that it behoueth of
neceſſity to ſhewe for the
a dēdo, for that that rent
ſecke is a thinge againſt
cōmon right as wel as
rent charge. But in aſ-
ſiſe of nouel diſſeiſin and

in

in a writte of entre sur disseisin brought of rent secke, it behoueth of necessitie to shewe forth a deede, for that that rent secke is a thinge against a common right, except in the case before sayed where it was rent seruice before.

en br' dentre sur disseisine port de rent seck, il couient de fine force monstre auaunt fait pur ceo que rent secke est vn chose en cont' comen droit si non en le case suisdit ou il fuist rent seruice adeuant.

And assise of nouel dysseisin, & a writte of entre sur disseisine contrayne within them no title, but suppose a disseisine to be done to ỹ plaintife, & of ỹ entendement of the lawe the disseisin gæueth noe cause of auermẽt against commen right, but of necessitye it behoueth to shewe forth a deede.

Et assise de nouel disseisin. et br' dentre sur disseisin ne contevgnent deins eux nul title. mes suppose̅t vn disseisine estre fait a le pleintife. Et dentendement delley la disseisine ne done nul cause dauerment encounter comen droit, mes de fine force il monstre auant especialtie.

¶ Suit seruice is to come to the court from three 27

Suit seruice.

Suit suruice est a venir a la court de iij.

semaignes

semaignes en trois semaignes p an entier, et purceo serra home distr' & nyent amercye. Suite real ē a venir a la court del leete, & c' nest forsq; deux foits en an, et pur ceo home serra amercy et non pas distraine.

wækes to thꝛee wækes by the whole yere, and forꝛ that a man shabe distrayned not amerced. Suit real is to come to ỹ court of læte and that is not but two times in the yere, and forꝛ that a man shalbæ amerced and not distrained.

FINIS.

¶Imprinted at London.
in Fleteſtrete within Temple
Barre at the ſigne of the hande
and Starre by Rychard Tottel.
1579.